

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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Washington, Friday, April 9, 1948

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51757]

#### PART 16—LIQUIDATION OF DUTIES COUNTERVAILING DUTY; CORK AND CORK MANUFACTURES FROM SPAIN

The Bureau has just received from the Department of State official information indicating that an agency of the Spanish Government announced on January 31, 1948, that the subsidies heretofore paid upon Spanish cork and cork manufactures exported to the United States were discontinued as of November 1, 1947. Accordingly, T. D. 51757 of September 26, 1947, imposing countervailing duties on certain Spanish cork and cork manufactures pursuant to section 303, Tariff Act of 1930 (19 U. S. C. 1303) is hereby modified so as not to apply to any such merchandise if exported from Spain on or after November 1, 1947.

Collectors of customs shall refund any estimated countervailing duties collected in accordance with T. D. 51757 on Spanish cork and cork manufactures entered for consumption or withdrawn from warehouse for consumption if such merchandise was exported from Spain on or after November 1, 1947.

Insofar as it may be applicable to cork and cork manufactures exported from Spain prior to November 1, 1947, T. D. 51757 is hereby amended by deleting the word "foreign" preceding the word "value" in the last paragraph thereof and substituting therefor the word "invoice." This amendment shall be considered effective as of September 26, 1947, the date of approval of T. D. 51757.

Section 16.24 (a) Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.24 (a)) is hereby amended by adding at the end thereof the word "Spain" in the column headed "Country" by adding opposite the word "Spain" the words "Cork and cork manufactures" in the column headed "Commodity" by adding opposite the words "Cork and cork manufactures" the number "51757" and beneath it the number of this decision in the column headed "Treasury Decision" by adding opposite the number "51757" the words "Assessed duties (estimated)" in the column headed "Action"; and by

adding opposite the number of this decision in the column headed "Action" the following language:

Modifies T. D. 51757 so as not to apply to exports from Spain on and after November 1, 1947.

(R. S. 251, secs. 303, 624, 46 Stat. 637, 759; 19 U. S. C. 66, 1303, 1624)

[SEAL]

FRANK DOW,  
Acting Commissioner of Customs.

Approved: April 1, 1948.

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.  
[F. R. Doc. 48-3103; Filed, Apr. 8, 1948;  
8:50 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter VIII—Office of Housing Expediter

#### PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

##### CONTROLLED HOUSING RENT REGULATION

Amendment 28 to the Controlled Housing Rent Regulation.<sup>1</sup> The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule A, item 352, is amended to eliminate the County of Kitsap, and to describe the counties in the defense-rental area under the Controlled Housing Rent Regulation as follows: "Those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest."

This amendment shall become effective April 8, 1948.

Issued this 8th day of April 1948.

ED DUPREE,  
Acting Housing Expediter.

#### Statement To Accompany Amendment 28 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing

<sup>1</sup> 12 F. R. 4331, 5421, 5454, 5637, 6027, 6057, 6923, 7111, 7630, 7825, 7933, 8000; 13 F. R. 6, 62, 180, 216, 294, 323, 441, 475, 470, 493, 523, 827, 861, 1118, 1628, 1793, 1861.

(Continued on p. 1929)

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maximum rents in the County of Kitsap, State of Washington, in the Puget Sound Defense Rental Area no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said county in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-3183; Filed, Apr. 8, 1948; 9:53 a. m.]

**PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED**

**CONTROLLED HOUSING RENT REGULATION**

Amendment 29 to the Controlled Housing Rent Regulation.<sup>1</sup> The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule A, item 342, is amended to describe the counties in the defense-rental area under the Controlled Rent Regulation for Housing as follows:

Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk; the County of Elizabeth City, in the County of Norfolk the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; in the County of Warwick, the Magisterial District of Newport, and in the County of Princess Anne, the Magisterial Districts of Kempsville and Lynnhaven except the Town of Virginia Beach and the following parts of Lynnhaven Magisterial District of Princess Anne County: that part of Lynnhaven Magisterial District bound on the East by the Atlantic Ocean; on the North and West by Fort Story, Seashore State Park, Linkhorn Bay and Great Neck Creek; and on the South by Laskin Road, also known as 31st Street; and that part of Lynnhaven Magisterial District of Princess Anne County bound on the East by the Atlantic Ocean; on the North by the Town of Virginia Beach; and on the West and South by Lake Rudee and the Military Reservation formerly known as Camp Pendleton.

Independent City of Suffolk; the County of Nansemond; the County of Norfolk other than the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; the County of Princess Anne other than the Magisterial Districts of Kempsville and Lynnhaven.

This amendment shall become effective April 8, 1948.

Issued this 8th day of April 1948.

ED DUPREE,  
Acting Housing Expediter.

**Statement To Accompany Amendment 29 to the Controlled Housing Rent Regulation**

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the Town of Virginia Beach and in that portion of Lynnhaven Magisterial District of Princess Anne County bounded on the East by the Atlantic Ocean, on the North by Fort Story

and Seashore State Park; on the West by Linkhorn Bay and Great Neck Creek; and on the South by Laskin Road, also known as 31st Street, and that portion of the Lynnhaven Magisterial District of Princess Anne County bounded on the East by the Atlantic Ocean; on the North by the Town of Virginia Beach; on the West by Lake Rudee; and on the South by the Military Reservation formerly known as Camp Pendleton, in the State of Virginia in the Hampton Roads Defense-Rental Area no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said parts of the county in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-3162; Filed, Apr. 8, 1948; 9:53 a. m.]

**PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED**

**RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS**

Amendment 28 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.<sup>2</sup> The Rent Regulation for controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule A, item 352, is amended to eliminate the County of Kitsap, and to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows: "Those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest."

This amendment shall become effective April 8, 1948.

Issued this 8th day of April 1948.

ED DUPREE,  
Acting Housing Expediter.

**Statement To Accompany Amendment 28 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments**

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Kitsap, State of Washington, in the Puget Sound Defense-Rental Area no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said county in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-3184; Filed, Apr. 8, 1948; 9:53 a. m.]

<sup>1</sup> 12 F. R. 4302, 5423, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 322, 441, 475, 476, 498, 523, 827, 861, 1118, 1628, 1793, 1861.

<sup>2</sup> 12 F. R. 4302, 5423, 5457, 5699, 6027, 6920, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 181, 216, 294, 321, 442, 476, 497, 523, 828, 861, 1119, 1627, 1793, 1873.

**PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED**

**RENT REGULATIONS FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS**

Amendment 29 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.<sup>1</sup> The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule A, item 342, is amended to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows:

Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk; the County of Elizabeth City, in the County of Norfolk the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; in the County of Warwick, the Magisterial District of Newport, and in the County of Princess Anne, the Magisterial Districts of Kempsville and Lynnhaven except the Town of Virginia Beach and the following parts of Lynnhaven Magisterial District of Princess Anne County: that part of Lynnhaven Magisterial District bound on the East by the Atlantic Ocean; on the North and West by Fort Story, Seashore State Park, Linkhorn Bay and Great Neck Creek; and on the South by Laskin Road, also known as 31st Street; and that part of Lynnhaven Magisterial District of Princess Anne County bound on the East by the Atlantic Ocean; on the North by the Town of Virginia Beach; and on the West and South by Lake Rudee and the Military Reservation formerly known as Camp Pendleton.

Independent City of Suffolk; the County of Nansemond; the County of Norfolk other than the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; the County of Princess Anne other than the Magisterial Districts of Kempsville and Lynnhaven.

This amendment shall become effective April 8, 1948.

Issued this 8th day of April 1948.

ED DUPREE,  
Acting Housing Expediter.

**Statement To Accompany Amendment 29 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments**

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Lynnhaven Magisterial District of Princess Anne County bounded on the East by the Atlantic Ocean, on the North by Fort Story and Seashore State Park; on the West by Linkhorn Bay and Great Neck Creek; and on the South by Laskin Road, also known as 31st Street, and that portion of the Lynnhaven Magisterial District of Princess Anne County bounded on the East by the Atlantic Ocean; on the North by the Town of Virginia Beach; on the West by Lake Rudee; and on the South by the Military Reservation formerly known as Camp Pendleton, in the State of Virginia in the Hampton Roads Defense-Rental Area no longer exists due to the

fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said parts of the county in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-3181; Filed, Apr. 8, 1948; 9:53 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter I—Secretary of Defense

[Transfer Order 8]

TRANSFER OF CERTAIN FUNCTIONS PERTAINING TO CONSTITUTION AND DISCONTINUANCE OF AIR FORCE UNITS AND OTHER RELATED MATTERS FROM THE DEPARTMENT OF THE ARMY TO THE DEPARTMENT OF THE AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947, (act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. The functions, powers, and duties of the Secretary of the Army and of the Department of the Army, including those of any officer of that Department, insofar as they pertain to the constitution, reconstitution, activation, inactivation, disbandment, organization, reorganization, designation, redesignation, establishment, and discontinuance of units of the Department of the Air Force as authorized by section 3 of the act of June 3, 1916 (39 Stat. 166) as amended by section 3, act of June 4, 1920 (41 Stat. 759) and act of December 18, 1941 (55 Stat. 838) and Executive Order 9082, February 28, 1942, as modified by Executive Order 9722, May 13, 1946, as modified by section 305 (c) of Public Law 253, 80th Congress are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force.

2. The functions, powers, and duties of the Secretary of the Army and of the Department of the Army, including those of any officer of that Department, insofar as they pertain to the organization, mobilization, demobilization, and training of units of the Department of the Air Force as authorized by section 5 of the National Defense Act of 1920 as amended (10 U. S. C. 22-25, 32-36, 38) are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force.

3. It is expressly determined that the transfers herein specified are necessary and desirable for the operation of the Department of the Air Force and the United States Air Force.

4. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

5. The transfer directed herein shall be effective at 12:00 noon, April 1, 1948.

JAMES FORRESTAL,  
Secretary of Defense.

MARCH 30, 1948.

[F. R. Doc. 48-3094; Filed, Apr. 8, 1948; 8:55 a. m.]

## TITLE 34—NAVY

### Chapter I—Department of the Navy

#### PART 1—AUTHORITY, GENERAL ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

##### BUREAU OF AERONAUTICS

1. Amend § 1.6 (b) (7) to read as follows:

§ 1.6 *Bureau of Aeronautics.* \* \* \*  
(b) \* \* \*

(7) It collaborates with Bureau of Yards and Docks in the design, construction, and alteration of all aeronautic shore establishments:

2. Amend § 1.6 (b) by adding new subparagraph § 1.6 (b) (8) as follows:

(8) It exercises management control over, and maintains and repairs (within the capacity of station force) all aeronautic shore establishments, including:

Naval and Marine Corps Air Stations and Auxiliary Air Stations.

Naval and Marine Corps Air Facilities (except Naval Air Facility Dahlgren, Va., and Naval Air Facility Inyokern, Calif.).

Naval Air Material Center, Philadelphia, Pa.

Naval Air Reserve Training Units.

Naval Air Test Center, Patuxent River, Md.

Navy Special Project Unit Cast, Squantum, Mass.

Naval Air Missile Test Center, Point Mugu, Calif.

Naval Parachute Experimental Units, NAS, El Centro, Calif.

Naval Air Navigation Offices.

Navy Aerological Stations.

Navy Weather Centrals.

Naval Air Technical Training Centers and Schools.

Naval Schools for Aviation Flight Training.

Naval Training Facility (Air Intercept) Beavertail Point, Jamestown, R. I.

Navy Motion Picture Office, Hollywood, Calif.

Airborne Coordinating Group, Naval Receiving Station, Anacostia, D. C.

Naval Photographic Center.

Naval Air Magnetics Laboratory, NAS (LTA) Lakehurst, N. J.

Naval Aircraft Torpedo Unit, NAS Quonset, R. I.

Naval Air Development Station, Johnsville, Pa.

These activities are employed for conducting necessary research, tests, investigations, and developments to obtain suitable apparatus and material for naval purposes and for supporting the aviation functions of the Chief of Naval Operations and the aviation operating forces of the Naval Establishment.

3. Amend § 1.6 (b) by renumbering §§ 1.6 (b) (8)-(10) to read §§ 1.6 (b) (9)-(11) respectively.

4. Amend the list in § 1.6 (c) by inserting the following sublistings after "Assistant Chief for Materiel and Services":

Contracts Division.

Production Division.

Industrial Planning Division.

5. Amend § 1.6 (d) by deleting the third paragraph and by changing the

first sentence of the first paragraph to read as follows: "In the field, the Bureau of Aeronautics has established three (3) district field offices: The Bureau of Aeronautics General Representatives (BAGR's) for Eastern District, Central District, and Western District."

(Secs. 3, 12, 60 Stat. 238; 5 U. S. C. 1002, 1011)

M. E. ANDREWS,  
Acting Secretary of the Navy.

[F. R. Doc. 48-3095; Filed, Apr. 8, 1948; 8:55 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of Commerce

#### Appendix—Public Land Orders

[Public Land Order 463]

##### ARKANSAS

#### WITHDRAWING PUBLIC LANDS FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, (8 F. R. 5516) it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, for use in connection with the construction of the Norfork Dam and Reservoir under the supervision of the Department of the Army as authorized by the act of June 28, 1938 (52 Stat. 1215)

##### FIFTH PRINCIPAL MERIDIAN

T. 19 N., R. 11 W.,

Sec. 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

Sec. 22, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Sec. 33, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 20 N., R. 12 W.,

Sec. 9, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Sec. 28, that part of the NE $\frac{1}{4}$  lying north and east of the North Fork River.

T. 20 N., R. 13 W.,

Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 21 N., R. 12 W.,

Sec. 29, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate 221.96 acres.

This order shall be subject to (1) the withdrawals made by Executive Orders of December 18, 1915, and January 6, 1916, Power Site Reserve No. 514, and (2) the withdrawal of June 30, 1930, Federal Power Commission Project No. 654, so far as such withdrawals affect any of the above-described lands.

This order shall take precedence over but not modify the withdrawal made by Executive Order No. 6964 of February 5, 1935, as amended.

It is intended that the public lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are withdrawn.

C. GIRARD DAVIDSON,  
Assistant Secretary of the Interior

APRIL 2, 1948.

[F. R. Doc. 48-3096; Filed, Apr. 8, 1948; 8:55 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter II—Office of Defense Transportation

#### PART 500—CONSERVATION OF RAIL EQUIPMENT

##### SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 39]

#### PART 520—CONSERVATION OF RAIL EQUIP- MENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

##### SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.540 *Shipments of new fresh harvested Irish potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616; 13320, 14172; 12 F. R. 1034, 2386), or in Items 470, 475 and 480 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new fresh harvested Irish potatoes when such carload freight is loaded to a weight not less than 36,000 pounds.

This General Permit ODT 18A, Revised-39 shall become effective April 7, 1948, and shall expire May 31, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Law 395, 80th Cong., 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641, E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 5th day of April 1948.

J. M. JOHNSON,  
Director,

Office of Defense Transportation.

[F. R. Doc. 48-3104; Filed, Apr. 8, 1948; 8:56 a. m.]

## TITLE 47—TELECOMMUNI- CATION

### Chapter I—Federal Communications Commission

#### PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

##### FORMS CURRENTLY IN EFFECT

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 31st day of March 1948;

The Commission having under consideration the revision of Table III, table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations and bringing up to date the index of reference to forms contained in Part 1 of the Commission's rules and regulations; and

It appearing, that the changes proposed are editorial in nature and, therefore, the public notice and procedure set forth in section 4 of the Administrative Procedure Act are not required herein;

It is ordered, That, effective immediately, Table III, table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations, is amended as shown below.

Released: April 1, 1948.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

TABLE III

Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations.

(Rev. 3-31-48)

Form No.	Sec.
301.....	1311 (a).
	1319 (b) (1).
302.....	1317 (b) (1).
	1318 (b) (1).
	1328.
303.....	1320 (c) (1).
308.....	1327.
309.....	1311 (b).
310.....	1317 (b) (2).
311.....	1320 (c) (2).
312.....	1319 (b) (2).
313.....	1311 (c).
	1317 (b) (3).
	1320 (c) (3).
314.....	1321 (a) (b) (f).
315.....	1321 (a) (b) (f).
317.....	1325 (b).
318.....	1311 (d).
321.....	1314 (c).
323.....	1343 (a).
323A.....	1343 (b).
324.....	1341.
328.....	1321 (f) (3).
329.....	1321 (f) (4).
336.....	1347.
	1557 (a).
337.....	1347.
	1557 (a).
338A.....	1550.
339A.....	1550.
340.....	1311 (e).
401.....	1312 (a).
401A.....	1312 (b).
401B.....	1312 (c).
401C.....	1312 (d).
402.....	1318 (b) (2).
403.....	1317 (b) (4).
	1319 (b) (3).
404.....	1318 (b) (3).
404A.....	1318 (b) (4).
	1319 (b) (4).
	1320 (c) (8).
405.....	1320 (c) (4).
405A.....	1320 (c) (5).
408.....	1324 (c) (1).
453B.....	1324 (d).
455.....	1312 (e).
457.....	1329 (a).
500.....	1318 (b) (5).
501.....	1318 (b) (6).
501A.....	1318 (b) (7).
	1319 (b) (5).
	1320 (c) (9).
501B.....	1318 (b) (8).
	1319 (b) (6).
	1320 (c) (10).

TABLE III—Continued

Form No.	Sec.
502.....	1320 (c) (6).
503.....	1319 (b) (7).
602.....	1318 (b) (10).
	1320 (c) (7).
610.....	1318 (b) (9).
	1320 (c) (7).
701.....	1314 (b).
702.....	1322 (b) (1).
703.....	1322 (b) (2).
750.....	1329 (a).
750A.....	1329 (a).
759.....	1329 (c).
788.....	1713 (a).
801.....	1330 (a).
808.....	1330 (b).
820.....	1331.
901.....	1545.
903.....	1545.
905A.....	1545.
905B.....	1545.
H.....	1544 (a) (1).
M.....	1544 (a) (2).
O.....	1544 (a) (3).
R.....	1544 (a) (4).
Circular No. 1.....	1544 (a) (5).
Circular No. 2.....	1544 (a) (6).
Circular No. 3.....	1544 (a) (7).

[F. R. Doc. 48-3106; Filed, Apr. 8, 1948; 8:56 a. m.]

[Docket No. 8760]

#### PART 5—EXPERIMENTAL RADIO SERVICES

##### PART 2—SHIP RADIO SERVICE

##### ASSIGNMENT OF CALL SIGNS TO RADIO STATIONS ABOARD SHIPS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1948;

The Commission having under consideration the adoption of certain amendments, as set forth in an appendix attached to this order, to Parts 5 and 8 of its rules governing, respectively, the experimental Radio Service and the Ship Service, prescribing rules governing the allocation and assignment of call signs to certain nongovernment stations and to certain United States Government stations, and also having under consideration the adoption of a procedure for the accomplishment of changes in assigned call signs as would be necessitated by the adoption of the subject amendments, which procedure will be supplemented by making available to members of the public at their own expense an appropriate form of master call list showing both the old and new call signs of all stations of which the call signs are changed as the result of the subject amendments, and

It appearing, that the Commission on February 20, 1948 (13 F. R. 1060) released a notice of proposed rule making in the above-entitled matter which set forth the proposed policy and procedure of the Commission with respect to this matter and provided a period ending March 15, 1948 during which interested persons might file written comments thereon, and

It further appearing, that the Commission has considered all written comments received by it within the period provided for comment and that the subject amendments and procedure reflect such consideration, and

It further appearing, that it is in the public interest and necessity that the subject amendments be adopted, and

that because of the critical shortage of presently available call signs consisting of combinations of four letters it is in the public interest and necessity that the subject amendments be made effective immediately upon adoption so as to permit the immediate assignment in appropriate cases of call signs consisting of two-letter, four-digit combinations to stations receiving call signs for the first time.

*It is ordered,* That, effective immediately, the amendments set forth below are adopted.

(Secs. 303 (o) 305 (c) 48 Stat. 1082, 1083; 303 (r) 50 Stat. 191; 47 U. S. C. 303 (o), 303 (r) 305 (c))

Released: April 1, 1948.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

Parts 5 and 8 of the rules are amended as follows:

1. Part 5 of the rules governing experimental Radio Services is amended by adding thereto the following new section:

§ 5.34 *Allocation and assignment of call signs to stations in the Experimental Service.* (a) Call signs for class 2 experimental stations authorized to use frequencies allocated to the Ship Service and located on board ships. Stations covered by the title of this paragraph located on board ships having ship stations licensed in the Ship Service shall be assigned the same call signs as those radio stations, respectively. If in a particular case the ship has no ship station licensed in the Ship Service, the experimental station shall be assigned a call sign consisting of a two-letter, four-digit combination (the digits 0 and 1 may not immediately follow a letter) beginning with the letter "W" (Examples: If a ship has a ship station licensed in the Ship Service with call sign WA3000 or KDEF or WGHI, the radio station call sign shall be, respectively, WA3000 or KDEF or WGHI. If the ship has no ship station licensed in the Ship Service, the radio station call sign shall be of the type WA3000)

(b) Call signs and identification for class 2 experimental radar stations located on board ships. Section 2.65 of this

chapter requiring station identification by call signs shall not apply to these stations. However, for administrative purposes, such stations shall be assigned call signs. Such stations located on board ships having ship stations licensed in the Ship Service shall be assigned the same call signs as those radio stations, respectively. If in a particular case the ship has no ship station licensed in the Ship Service, the radar station shall be assigned a call sign consisting of a two-letter, four-digit combination (the digits 0 and 1 may not immediately follow a letter) beginning with the letter "W" (Examples: If a ship has a ship station licensed in the Ship Service with call sign WA3000 or KDEF or WGHI, the radar station call sign shall be, respectively, WA3000 or KDEF or WGHI. If the ship has no ship station licensed in the Ship Service, the radar station call sign shall be of the type WA3000.)

2. Part 8 of the Rules Governing Ship Service is amended as follows: § 8.34 is added thereto, reading as follows:

§ 8.34 *Allocation and assignment of call signs to ship stations licensed in the Ship Service.* (a) Ship stations authorized to use radiotelephone, but not authorized to use radiotelegraph except secondarily for purposes incidental to the use of radiotelephony, located on board ships whose survival craft being carried, if any, are not authorized to operate radio transmitting equipment, shall be assigned call signs consisting of two-letter, four-digit combinations (the digits 0 and 1 may not immediately follow a letter) beginning with WA2000 and progressing numerically through WA9999 and beginning again with WB2000 and progressing thus through the "W" series of prefixes. In cases of vessels having or eligible for signal letters assignable by the Treasury Department, the Commission may, if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign call signs of such character as is legally permissible and as it may deem appropriate in each particular case.

(b) Ship stations other than those included within subparagraph (a) above, of this section, shall be assigned call signs consisting of four-letter combinations commencing with the letter "K" or

the letter "W" (Examples: KBCD or WBDC.)

(c) Stations of lifeboats, liferafts, and other survival craft carried aboard ships shall be assigned call signs consisting of the call sign that has been assigned, or that would be assigned, to the ship station located on board that particular parent ship, followed by two digits (the digits 0 and 1 may not immediately follow a letter) (Example: If the call sign that has been assigned, or would be assigned, to a ship station on board a parent ship is KBCD, the survival craft station shall be KBCD followed by two digits, such as KBCD45.)

Section 8.195 (e) is amended to read as follows:

§ 8.195 *Requirements for ship radar installations.* \* \* \*

(e) Call signs and identification for ship radar stations licensed in the Ship Service. Section 2.65 requiring station identification by call signs shall not apply to ship radar stations. However, for administrative purposes, such stations shall be assigned called signs. Such stations located on board ships having ship stations licensed in the Ship Service shall be assigned the same call signs as those radio stations, respectively. If in a particular case the ship has no ship station licensed in the Ship Service, the ship radar station shall be assigned a call sign consisting of a two-letter, four-digit combination (the digits 0 and 1 may not immediately follow a letter) beginning with the letter "W" (Examples: If a ship station licensed in the Ship Service with call sign WA2000 or KBCD or WBDC, the ship radar station call sign shall be, respectively, WA2000 or KBCD or WBDC. If the ship has no ship station licensed in the Ship Service, the ship radar station call sign shall be of the type WA2000). In cases of vessels having or eligible for signal letters assignable by the Treasury Department, the Commission may, if it deems such action necessary or desirable, make exceptions to the foregoing provisions and assign call signs of such character as legally permissible and as it may deem appropriate in each particular case.

[F. R. Doc. 48-3108; Filed, Apr. 8, 1948; 8:56 a. m.]

## PROPOSED RULE MAKING

### TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 176]

DRAWBACK ON DISTILLED SPIRITS AND WINES

#### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are pro-

posed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued

under the authority of section 3170 (b), Internal Revenue Code (26 U. S. C. 3170 (b) and sections 309 (a), (b), (c), (d) and 313 (d) (1) of the Tariff Act of 1930, as amended (19 U. S. C., Sup., 1309 (a), (b), (c), (d) and 1313 (d), (1))

[SEAL] GEO. J. SCHOENEMAN,  
Commissioner of Internal Revenue.

1. Regulations 28 are hereby amended by changing § 176.17p and §§ 176.16 (f), 176.17 (f) 176.21 (c) and 176.23 (f) to read as follows:



§ 176.16 *Bottling of distilled spirits or wines without rectification by rectifiers and proprietors of tax-paid bottling houses.* \* \* \*

(f) *Transfer and storage pending exportation.* Spirits or wines bottled especially for export under this section may be transferred from the export storage room of the bottler, pursuant to Form 1656, "Application for Transfer of Distilled Spirits or Wines Bottled Especially for Export," to another export storage room at the port of exportation, for storage pending release for direct exportation or use as supplies on vessels or aircraft. Such export storage room at the port of exportation may be established by the proprietor of a tax-paid bottling house or rectifier, under the provisions of Regulations 11 (26 CFR, Part 189) or Regulations 15 (26 CFR, Part 190), whether or not the proprietor of the tax-paid bottling house or rectifier intends to bottle distilled spirits or wines especially for export. An export storage room at a port of exportation may also be established by the proprietor of an internal revenue bonded warehouse contiguous to the bonded premises under the provisions of Regulations 10 (26 CFR, Part 185). Form 1656 will be executed, in quadruplicate (or quintuplicate, if the spirits are to be transferred to another supervisory district) by the bottler or exporter, after appropriate arrangements have been made by him with the proprietor of the export storage room at the port of exportation for such storage. All copies of the form will then be submitted to the district supervisor, or designated officer, for approval. Upon approval thereof, the spirits or wines may be released by the government officer for transfer. The officer will retain one copy for his files, furnish one copy to the bottler, forward one copy to the district supervisor, and forward one copy to the consignee. If the spirits or wines are transferred to another district, he will forward one copy to the district supervisor of such district. The spirits or wines so transferred and stored will be entered for drawback and marked and released for exportation, etc., in accordance with the procedure prescribed by §§ 176.35 to 176.38, inclusive.

(Sec. 3179 (b) as amended, I. R. C., and secs. 309 (a), (b), (c), (d) and 313 (d) (1) of the Tariff Act of 1930, as amended (19 U. S. C., Sup. 1309 (a), (b), (c), (d) and 1313 (d) (1)))

§ 176.17 *Bottling of wines by winemakers or proprietors of bonded storerooms.* \* \* \*

(f) *Transfer and storage pending exportation.* Wines bottled especially for export under this section may be transferred pursuant to Form 1656 from the export storage room of the bottler, to another export storage room at the port of exportation, for storage pending release for direct exportation or use as supplies on vessels or aircraft, in accordance with the procedure set forth in § 176.16 (f). Such export storage room at the port of exportation may be established by a winemaker or the proprietor of a bonded storeroom under § 176.15, or by the proprietor of a tax-paid bottling house, or

rectifier, under the provisions of Regulations 11 (26 CFR, Part 189) or Regulations 15 (26 CFR, Part 190), whether or not the winemaker or the proprietor of a bonded storeroom intends to bottle wines especially for export, or the proprietor of the tax-paid bottling house or rectifier intends to bottle spirits or wines especially for export. An export storage room at a port of exportation may also be established by the proprietor of an internal revenue bonded warehouse contiguous to the bonded premises under the provisions of Regulations 10 (26 CFR, Part 185)

(Sec. 3179 (b), as amended, I. R. C., and secs. 309 (a), (b), (c), (d) and 313 (d) (1) of the Tariff Act of 1930, as amended (19 U. S. C., Sup. 1309 (a), (b), (c), (d) and 1313 (d), (1)))

§ 176.17p *Transfer and storage pending exportation.* Spirits or wines packaged especially for export under the provisions of the regulations in this part may be transferred from the export storage room pursuant to Form 1656 to another export storage room at the port of exportation, for storage pending release for direct exportation or use as supplies on vessels or aircraft. Such export storage room at the port of exportation may be established by the proprietor of a tax-paid bottling house or a rectifying plant, under the provisions of Regulations 11 (26 CFR, Part 189) or Regulations 15 (26 CFR, Part 190), whether or not the proprietor intends to package distilled spirits or wines especially for export. An export storage room at a port of exportation may also be established by the proprietor of an internal revenue bonded warehouse contiguous to the bonded premises under the provisions of Regulations 10 (26 CFR, Part 185). Form 1656 shall be executed in quadruplicate (or quintuplicate, if the spirits or wines are to be transferred to another supervisory district) by the packer or exporter after appropriate arrangements have been made by him with the proprietor of the export storage room at the port of exportation for such storage. All copies of the form will then be submitted to the district supervisor, or designated officer, for approval. On approval thereof, the spirits or wines may be released by the Government officer for transfer. The officer shall retain one copy for his files, furnish one copy to the packer, forward one copy to the district supervisor, and forward one copy to the consignee. If the spirits or wines are transferred to another district, the storekeeper-gauger shall forward one copy to the district supervisor of such district. Spirits or wines so transferred and stored will be entered for drawback and marked and released for exportation, etc., in accordance with the procedure prescribed in §§ 176.35 to 176.38, inclusive.

(Sec. 3179 (b) as amended, I. R. C., and secs. 309 (a), (b), (c), (d) and 313 (d), (1) of the Tariff Act of 1930, as amended (19 U. S. C., Sup., 1309 (a), (b), (c), (d) and 1313 (d), (1)))

§ 176.21 *Application, Form 237.* \* \* \*

(c) *Transfer and storage pending exportation.* Spirits and wines bottled or

packaged especially for export under the provisions of this section may be transferred from the export storage room of the bottler or rectifier, pursuant to Form 1656, to another export storage room at the port of exportation for storage pending release for direct exportation or use as supplies on vessels or aircraft, in accordance with the procedure prescribed in § 176.16 (f). Such export storage room at the port of exportation may be established by the proprietor of a tax-paid bottling house or a rectifier, under the provisions of Regulations 11 (26 CFR, Part 189) or Regulations 15 (26 CFR, Part 190) whether or not the proprietor of the tax-paid bottling house or the rectifier intends to bottle or package distilled spirits or wines especially for export. An export storage room at a port of exportation may also be established by the proprietor of an internal revenue bonded warehouse contiguous to the bonded premises under the provisions of Regulations 10 (26 CFR, Part 185).

(Sec. 3179 (b) as amended, I. R. C., and secs. 309 (a), (b), (c), (d) and 313 (d) (1) of the Tariff Act of 1930, as amended (19 U. S. C., Sup. 1309 (a), (b), (c), (d) and 1313 (d), (1)))

§ 176.23 *Bottling by person other than rectifier.* \* \* \*

(f) *Transfer and storage pending exportation.* Spirits and wines bottled especially for export under this section may be transferred pursuant to Form 1656 from the export storage room of the bottler to another export storage room at the port of exportation, for storage pending release for direct exportation or use as supplies on vessels or aircraft, in accordance with the procedure prescribed by § 176.16 (f). Such export storage room at the port of exportation may be established by the proprietor of a tax-paid bottling house or rectifier, under the provisions of Regulations 11 (26 CFR, Part 189) or Regulations 15 (26 CFR, Part 190) whether or not the proprietor of the tax-paid bottling house or rectifier intends to bottle distilled spirits or wines especially for export. An export storage room at a port of exportation may also be established by the proprietor of an internal revenue bonded warehouse contiguous to the bonded premises under the provisions of Regulations 10 (26 CFR, Part 185).

(Sec. 3179 (b), as amended, I. R. C., and secs. 309 (a), (b), (c), (d) and 313 (d) (1) of the Tariff Act of 1930, as amended (19 U. S. C., Sup. 1309 (a), (b), (c), (d) and 1313 (d) (1)))

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 48-3128; Filed, Apr. 8, 1948; 8:48 a. m.]

## [26 CFR, Part 185]

### WAREHOUSING OF DISTILLED SPIRITS

#### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set

forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 3179 (b) of the Internal Revenue Code (26 U. S. C., 3179 (b)).

[SEAL] GEO. J. SCHOENEMAN,  
Commissioner of Internal Revenue.

1. Regulations 10, as amended, are hereby amended by adding §§ 185.22a and 185.479a and amending § 185.42.

§ 185.22a *Off-premises export storage room.* If the proprietor of an internal revenue bonded warehouse located at a port of exportation intends to store, pending release for direct exportation or use as supplies on vessels or aircraft, tax-paid distilled spirits or wines bottled or packaged especially for export with benefit of drawback under the provisions of Regulations 11 (26 CFR, Part 189) Regulations 15 (26 CFR, Part 190) and Regulations 28 (26 CFR, Part 176) a separate room for the storage of such products exclusively must be provided off the bonded premises. The room must be contiguous to the bonded premises and be constructed of substantial, solid materials. All windows, doors or other openings must be so constructed that they may be securely locked or fastened from the inside, except the entrance door which must be so constructed that it may be securely locked from the outside of the room with a Government seal lock. A sign must be placed over the entrance door of the room bearing the words "Off-premises Export Storage Room." The deposit of distilled spirits and wines in such room, and the withdrawal thereof, shall be effected in accordance with provisions of Regulations 28 (26 CFR, Part 176) (Sec. 3179 (b) I. R. C.)

§ 185.42 *Amended and supplemental applications.* Amended and supplemental applications on Form 27-D may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior applications, and in which there has been no change since the last preceding application, may be incorporated in the amended or supplemental application by reference to the respective application previously filed. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement "No change since filing Form 27-D, Serial No. \_\_\_\_\_" (the number being inserted) followed by the date of the form. Every proprietor of an internal revenue bonded warehouse located at a port of exportation and desiring to establish an off-premises export storage room, as authorized by § 185.22a, shall file a supplemental application therefor on Form 27-D, giving

the location and description of the room. (Sec. 3179 (b), I. R. C.)

\* § 185.479a *Record and report of transactions at off-premises export storage room.* Every proprietor of an internal revenue bonded warehouse who maintains an off-premises export storage room at which tax-paid distilled spirits and wines bottled or packaged especially for export are held pending exportation or use as supplies on vessels or aircraft shall keep a record of all such products received and disposed of. The transactions shall be recorded on the date on which they occur and a summary made at the end of the month. A transcript of the record shall be prepared and forwarded to the district supervisor on or before the tenth day of the succeeding month. Form 52-E (Monthly Record and Report of Importer or Proprietor of Tax-Paid Premises) shall be used, upon modification of the title of the form and headings of the columns to serve the purpose, in preparing such record and report. (Sec. 3179 (b), I. R. C.)

2. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 48-3129; Filed, Apr. 8, 1948; 8:48 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing

#### Administration

#### [7 CFR, Part 901]

[Docket No. AO-192]

#### HANDLING OF WALNUTS IN CALIFORNIA, OREGON, AND WASHINGTON

#### NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq., 12 F. R. 1159, 4904) notice is hereby given of a public hearing to be held in Room 63, Basement Floor, Federal Office Building, Civic Center, San Francisco, California, beginning at 9:30 a. m., P. S. T., April 27, 1948, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of walnuts grown in California, Oregon, and Washington. The proposed marketing agreement and marketing order have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the provisions of the proposed marketing agreement and the proposed marketing order which is hereinafter set forth, and appropriate modifications thereof. The Walnut Control Board, the administrative committee for operations under the present marketing agreement (No. 62) and marketing order (No. 1, 7 CFR 901.1 et seq., 7 CFR, Cum., 901.4, 901.17, 901.19; 12 F. R. 5033) regulating the handling of walnuts grown in Cali-

fornia, Oregon, and Washington has proposed the following new marketing agreement and marketing order regulating the handling of walnuts grown in those States and requested a hearing thereon (the provisions identified with an asterisk (\*) apply only to the proposed marketing agreement and not to the proposed marketing order).

SECTION 1. *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

(b) "Walnuts" means only walnuts of the "English" (*Juglans Regia*) varieties grown in the States of California, Oregon, and Washington.

(c) "Unshelled walnuts" means walnuts the kernels of which are contained in the shell.

(d) "Merchantable walnuts" means all unshelled walnuts meeting the pack specifications and minimum standards of quality and maturity prescribed pursuant to section 3 (a)

(e) "Area of production" means the states of California, Oregon and Washington.

(f) "Person" means individual, partnership, corporation, association, or any other business unit.

(g) "Handler" means any packer or distributor of unshelled walnuts.

(h) "Packer" means any person packing and handling unshelled walnuts.

(i) "Distributor" means any person, other than a packer, handling unshelled walnuts which have not been subjected, in the hands of a previous holder, to compliance with the surplus-control provisions hereinafter contained.

(j) "Sheller" means any person engaged in the business of shelling walnuts for any commercial purpose.

(k) "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable walnuts, packed in accordance with the pack specifications prescribed pursuant to section 3 (a)

(l) "To pack" means to bleach, clean, grade, or otherwise prepare walnuts for market as unshelled walnuts in any manner whatsoever.

(m) "To handle" means to sell, consign, transport, ship (except as a common carrier of walnuts owned by another person) or in any other way to put into the channels of trade in the current of interstate or foreign commerce or so as directly to burden, obstruct, or affect such commerce.

(n) "To ship" means to convey or cause to be conveyed by railroad, truck, boat or any other means whatsoever, but not as a common carrier for another person.

(o) "Marketing year," for the purposes of this order, means the twelve months from August 1 to the following July 31, both inclusive.

(p) "Handler carryover" as of any date means all merchantable walnuts, wherever located, then held by the han-



dler or for his account (whether or not sold)

(q) "Trade carryover" means all merchantable walnuts theretofore delivered by handlers and then remaining in the possession or control of the wholesale or chain store trade, exclusive of walnuts in retail outlets, as of any given date.

(r) "Trade demand" means the quantity of merchantable walnuts which the wholesale and chain store trade will acquire from all handlers during a marketing year for distribution in the Continental United States, Alaska, Hawaii, Puerto Rico and the Canal Zone.

(s) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(t) "Control Board" or "Walnut Control Board" means the Control Board established pursuant to section 2.

**SEC. 2. Control Board.**—(a) *Membership.* (1) A Control Board is hereby established consisting of nine (9) members. The original members and their respective alternates shall consist of the members and alternates respectively of the Control Board selected by the Secretary pursuant to the provisions of Marketing Order No. 1, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, and who are holding these positions on July 31, 1948. Said members and alternates shall hold office for a term ending with the first Monday in April, 1949, and until their successors shall be selected and shall qualify.

(2) The successors of the original members and their respective alternates shall be selected annually by the Secretary for a term of one (1) year beginning with the first Tuesday after the first Monday in April, and shall serve until their respective successors shall be selected and shall qualify. One (1) member and one (1) alternate member shall be selected from each of the following groups:

(i) The cooperative packers doing business within the State of California;

(ii) All packers, other than the cooperative packers, doing business within the State of California;

(iii) The group of cooperative packers or other than cooperative packers doing business within the State of California, who during the preceding marketing year handled more than fifty (50) percent of the merchantable walnuts handled by packers located within the State of California;

(iv) Those growers of walnuts whose orchards are located in California and who market their walnuts through cooperative packers;

(v) All other growers of walnuts whose orchards are located in California;

(vi) Those growers, whose orchards are located in California and whose walnuts were marketed during the preceding marketing year through the packer group specified in subdivision (iii) of this subparagraph;

(vii) The packers, whose plants are located within the States of Oregon or Washington;

(viii) The growers of walnuts whose orchards are located within the States of Oregon or Washington. The ninth member shall be selected after the selection of the eight (8) members from the above specified groups and after opportunity for such eight (8) members to nominate the ninth member.

(b) *Nominations.* Each of the eight (8) groups specified in the foregoing subsection may nominate one (1) person as member and one (1) person as alternate; and the eight (8) members first selected may nominate, by majority vote, one (1) person as member and one (1) person as alternate for the ninth member. Nominations for each packer group shall be submitted on the basis of ballots to be mailed by the Control Board to all packers in such group whose pack for the preceding marketing year is on record with the Control Board. Nominations on behalf of growers who market their walnuts through cooperative packers shall be submitted on the basis of ballots cast by each such cooperative packer for its growers. Nominations on behalf of growers who market their walnuts through other than cooperative packers shall be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal papers in the walnut producing areas in California, Oregon, and Washington. Such releases shall provide pertinent information including the names of incumbents from the areas involved and the location where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by cooperative packers, packers other than cooperative packers, or for cooperative grower groups, shall be weighted according to the tonnage of merchantable walnuts (computed to the nearest whole ton in case of fractions) recorded as certified for handling by the packer or for the cooperative grower group during the preceding marketing year, and if less than one (1) ton is recorded for any such packer or grower group, its vote shall be weighted as one (1) vote. All votes cast by individual growers shall be given equal weight: *Provided*, That when growers marketing through cooperative packers and growers marketing through other than cooperative packers are in the same group entitled to submit nominations, the vote for the nominee receiving the largest number of votes of growers marketing through other than cooperative packers shall be weighted according to the combined tonnage of merchantable walnuts of such other than cooperative packers recorded as certified for handling by them during the preceding marketing year. For the first year in which nominations are made the records of walnuts certified for handling of the predecessor Walnut Control Board shall be used. Nominations received in the foregoing manner by the Control Board shall be reported to the Secretary on or before March 20 of each marketing year, together with a certificate of all necessary tonnage data and other information deemed by the Board to be pertinent or requested by the Secretary. If the Board

fails to report nominations to the Secretary in the manner hereinbefore specified on or before March 20 of any year, the Secretary may select the member or alternate without nomination. If nominations for the ninth member or alternate are not submitted on or before April 15 of any year, the Secretary may select such member or alternate without nomination.

(c) *Qualification.* Any person selected as a member or alternate of the Control Board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, within thirty (30) days after he ceases to be such member or employee, become disqualified to serve further and his position on the Control Board shall be deemed vacant.

(d) *Alternates.* (1) An alternate for a member of the Control Board shall act in the place and stead of such member (i) in his absence, or (ii) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(2) In the event any member of the Control Board and his alternate are both unable to attend a meeting of the Control Board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this subsection a cooperative packer group and a cooperative grower group in the same State shall be considered the same group.

(e) *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the Control Board, a successor for his unexpired term shall be selected in the manner provided in paragraph (b) of this section within thirty (30) days after such vacancy occurs. If a nomination is not made and reported to the Secretary by the Board within such thirty (30) days, the Secretary may select a member or alternate to fill such vacancy.

(f) *Expenses.* The members of the Control Board shall serve without compensation, but shall be allowed their necessary expenses.

(g) *Powers.* The Control Board shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof;

(4) To recommend to the Secretary amendments hereto.

(h) *Duties.* The duties of the Control Board shall be as follows:

(1) To act as intermediary between the Secretary and any handler or grower.

(2) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary.

(3) To furnish to the Secretary such available information as he may request.

(4) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees.

(5) To cause the books of the Control Board to be audited by one or more competent public accountants at least once for each marketing year and at such other times as the Control Board deems necessary or as the Secretary may request, and to file with the Secretary three (3) copies of all audit reports made.

(6) To investigate the growing, shipping and marketing conditions with respect to walnuts and to assemble data in connection therewith.

(i) *Procedure.* (1) The members of the Control Board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The Board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Board.

(2) All decisions of the Control Board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of six (6) members shall be required to constitute a quorum.

(3) The Control Board may vote by mail or telegram upon due notice to all members, and when any proposition is submitted for voting by such method, one (1) dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

(4) The Members of the Control Board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

**SEC. 3. Control of distribution—(a) Pack specifications and minimum requirements.** In order to effectuate the declared policy of the act the Control Board shall, with the approval of the Secretary, prescribe pack specifications for the several commercially recognized grades, including minimum standards of quality and maturity for the packing of

unshelled walnuts; and thereafter, except as otherwise provided in paragraph (d) of this section, no handler shall handle any unshelled walnuts except those certified by the Control Board as merchantable and packed in accordance with such specifications and minimum requirements. To aid the Secretary in determining whether to approve such pack specifications, the Control Board shall furnish to the Secretary the data upon which it acted in prescribing such pack specifications and such other data pertaining thereto as the Secretary may request.

(b) *Certification of merchantable walnuts.* Every handler, at his own expense, shall obtain a certificate for each lot of merchantable walnuts handled or to be handled by him and for each lot of surplus merchantable walnuts. Said certificates shall be issued by inspectors designated by the Control Board. All such certificates shall show, in addition to such other requirements as the Control Board may specify, the identity of the handler, whether or not for interstate shipment, if for export, the country of destination, the quantity and pack of merchantable walnuts in such lot, and that the walnuts covered by such certificate conform to the pack specifications and minimum requirements prescribed pursuant to paragraph (a) of this section. The Control Board may direct that such certificate be not issued to any handler who has failed to meet his surplus obligation in accordance with the terms hereof. All lots so inspected and certified shall be identified by appropriate seals or stamps and tags to be affixed to the containers by the handler under the direction and supervision of the Control Board.

(c) *Copies of certificate.* Copies of each such certificate shall be furnished by the inspector to the handler and the Control Board.

(d) *Walnuts for packing and shelling.* Nothing contained in this order shall be construed to prevent any person from selling or delivering, within the area of production, unshelled walnuts, other than merchantable walnuts, to any packer for packing or sheller for shelling: *Provided*, That all such sales or deliveries involving the shipment of walnuts from California to Oregon or Washington, from Oregon to Washington, and from Oregon or Washington to California, must be reported by the shipper to the Control Board at the time of shipment. This report shall show the quantities shipped, the identity of the consignee and whether the walnuts so shipped will be packed or shelled.

**SEC. 4. Withholding of surplus—(a) Salable and surplus percentages.** The salable and surplus percentages of merchantable walnuts for each marketing year shall be fixed by the Secretary. In fixing the salable and surplus percentages the Secretary shall give consideration to the ratio of the estimated trade demand to the sum of the estimated production of merchantable walnuts and the handler carryover (with appropriate adjustment for such handler carryover as may have theretofore contributed to surplus), the recommendations submitted to

him by the Control Board, and such other pertinent data as he deems appropriate.

The total of the salable and surplus percentages fixed each marketing year shall equal one hundred (100) percent. The salable and surplus percentages so fixed shall not apply to separate packs of walnuts, of which not over twelve (12) percent by count pass through a round opening 96/64 inches in diameter. The merchantable walnuts handled by any handler in accordance with the provisions hereof shall be deemed to be that handler's quota fixed by the Secretary within the meaning of Section 8a (5) of the Act.

(b) *Increase of salable percentage.* At any time prior to February 15 of any marketing year the Secretary may, on request of the Control Board (or if the Control Board shall fail so to request, on request of two or more handlers who have handled during the immediately preceding marketing year at least ten (10) percent of the total tonnage handled by all packers during such marketing year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts available for sale will not be sufficient to supply the trade demand, increase the salable percentage to conform to such new relation as may be found to exist between trade demand and available supply.

(c) *Estimated carryover, trade demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than September 1 of each marketing year, the following estimates and recommendation, each of which shall be adopted by at least a two-thirds ( $\frac{2}{3}$ ) vote of the entire Control Board:

(1) Its estimate of the quantity of merchantable walnuts to be produced and packed during such year;

(2) Its estimate of handler carryover as of August 1,

(3) Its estimate of trade carry-over as of August 1,

(4) Its estimate of the total trade demand (on the basis of prices not exceeding the maximum prices contemplated in Sec. 2 of the Act), in determining such trade demand consideration shall be given to the estimated trade carry-over at the beginning and end of the marketing year.

(5) Its recommendation as to the salable and surplus percentages to be fixed.

The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted.

(d) *Withholding percentage.* The withholding percentage shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage.

(e) *Withholding of surplus merchantable walnuts.* No handler shall handle unshelled walnuts unless prior to or upon the shipment thereof (except as otherwise provided in paragraph (f) of this section) he shall have withheld from handling a quantity of merchantable

walnuts equal to the withholding percentage, by weight, of such quantity handled or certified for handling by him: *Provided*, That this provision shall not apply to any lot of walnuts for which the surplus obligation has been met by a previous holder. The quantity of walnuts hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler.

(f) *Postponement of withholding surplus upon filing bond.* (1) Compliance by any packer with the requirements of paragraph (e) of this section as to the time when surplus walnuts shall be withheld shall be deferred to any date desired by the packer but not later than December 31 of the marketing year, upon the voluntary execution and delivery by such packer to the Control Board, before he handles any merchantable walnuts of such marketing year, of a written undertaking that on or prior to such date he will have fully satisfied his surplus obligation required by paragraph (e) of this section.

(2) Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the Control Board, and with a surety or sureties acceptable to the Control Board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the packer's deferred surplus obligation. The bonding value shall be the deferred surplus obligation poundage bearing the lowest bonding rate, which could have been withheld from the packs handled or certified for handling, multiplied by the applicable bonding rate.

(3) Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to packer f. o. b. shipping point which shall be computed at ninety-five (95) percent of the opening price for such pack announced by the packer or packers who during the preceding marketing year handled two-thirds ( $\frac{2}{3}$ ) of the merchantable walnuts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding marketing year, using the minimum number of packers to represent a volume of two-thirds ( $\frac{2}{3}$ ) of the total volume handled. If such opening prices involve different prices announced by two (2) or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing year by each such packer.

(4) Any sums collected through default of a packer on his bond shall be used by the Control Board to purchase, from packers, as provided herein, a quantity of merchantable walnuts not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the surplus obligation has been met and at the bonding rate for each pack. The Control Board shall at all times purchase the lowest priced packs offered and the purchases shall be made from the various packers as nearly

as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(5) Any unexpended sums, which have been collected by the Control Board through default of a packer on his bond, remaining in possession of the Control Board at the end of a marketing year shall be used to defray the expenses of the Control Board and any excess shall be distributed to all handlers in the same manner as provided in section 7 (b) (2) for the distribution of excess assessments.

(6) Walnuts purchased as provided in this subsection shall be turned over to those packers, who have defaulted on their bonds, for disposal by them as surplus. The quantity delivered to each packer shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various packers on the basis of the relation of the quantity of walnuts to be delivered to each packer to the total quantity purchased by the Control Board with bonding funds.

(7) Collection by the Control Board upon any bond or bonds filed pursuant to the provisions of this paragraph (f) of this section shall be deemed a satisfaction of the surplus obligation represented by such collection: *Provided*, That the walnuts purchased by the Control Board with funds collected under bonds and subsequently turned over to such packers are used only for the purposes provided in section 5 for the disposal of surplus.

(g) *Interhandler transfers for surplus.* For the purpose of meeting his surplus obligation, any handler, may, upon notice to and under the supervision and direction of the Control Board, acquire from another handler merchantable walnuts with respect to which the surplus has not been withheld and any surplus obligation with respect to any walnuts so transferred shall be waived. If any such sales are made from walnuts on which the surplus obligation has been met, the seller's surplus obligation shall be reduced accordingly upon proof satisfactory to the Control Board that the purchaser is withholding such walnuts as surplus.

(h) *Assistance of Control Board in accounting for surplus.* The Control Board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring merchantable walnuts to meet any deficiency in a handler's surplus, or in accounting for and disposing of surplus walnuts.

(i) *Application of salable, surplus and withholding percentages, and bonding rates, after end of marketing year.* (1) The salable, surplus and withholding percentages established for any marketing year shall continue in effect with respect to all walnuts, for which the surplus obligation has not been previously met, which are handled or certified for handling by any handler after the end of such marketing year and before salable, surplus and withholding percentages are established for the succeeding marketing year. After such percentages are established for the new marketing year, the withholding requirements for all such

walnuts theretofore handled or certified for handling during that marketing year shall be adjusted to the newly established percentages. Pending the establishment of such percentages for the marketing year beginning August 1, 1948, the effective withholding percentage shall be twenty-five (25) percent.

(2) The bonding rates established for any marketing year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to subsection (f) hereof, before the bonding rates for the new marketing year are established. After such bonding rates are established for the new marketing year, the new rates shall be applicable and any bond or bonds theretofore given for that marketing year shall be adjusted to the new rates. Pending the establishment of bonding rates for the marketing year beginning August 1, 1948, the bonding rates shall be the credit values for the corresponding packs theretofore established for the crop year ending July 31, 1948 pursuant to the provisions of Marketing Order No. 1, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington.

(j) *Exchange of surplus walnuts.* Any handler who has withheld surplus walnuts pursuant to the requirements of paragraph (e) of this section and has had same certified as surplus walnuts may exchange therefor an equal quantity, by weight, of other merchantable walnuts. Any such exchange shall be made under the supervision and direction of the Control Board with appropriate inspection and certification of the walnuts involved.

(k) *Adjustment upon increase of salable percentage.* Upon any increase in the salable percentage and corresponding decrease in the surplus and withholding percentages, the surplus obligation of each handler with respect to the walnuts handled by him for the entire marketing year shall be recomputed in accordance with such revised salable, surplus and withholding percentages. From the surplus walnuts still held by a handler and from such surplus walnuts that may have been delivered by him to the Control Board pursuant to section 5 (b) and still held by the Control Board, the handler shall be permitted to select, under the supervision and direction of the Control Board, the particular surplus walnuts to be restored to his salable percentage.

**Sec. 5. Disposition of surplus—(a) Prohibition against handling of surplus.** Except as provided in paragraphs (b) and (c) of this section, surplus walnuts withheld pursuant to the requirements of section 4 (e) shall not be handled by any person as unshelled walnuts.

(b) *Disposition of surplus by export.* Sales of surplus walnuts for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico and the Canal Zone shall be made only by the Control Board. Any handler desiring to export any part or all of his surplus walnuts shall deliver to the Control Board his surplus to be exported; but the Control Board shall be obligated to sell in export only such

quantities for which it may be able to find satisfactory export outlets. Any walnuts so delivered for export which the Control Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Control Board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such walnuts shall be sold only on the basis of a delivered price, f. o. b. area of production. A handler may be permitted to act as agent of the Control Board, upon such terms and conditions as the Control Board may specify, in negotiating export sales; and when so acting shall be entitled to receive a selling commission of five (5) percent of the export sales price, f. o. b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose surplus walnuts are so sold by the Board.

(c) *Disposal of surplus for shelling.*

(1) Any handler may shell his surplus walnuts or deliver them for shelling to an authorized sheller.

(2) Any person who desires to become an authorized sheller in any marketing year may submit an application to the Control Board. Such application shall be granted only upon condition that the applicant agrees:

(i) To use such surplus walnuts as he may receive for no purpose other than shelling;

(ii) To dispose of or deliver such surplus walnuts, as unshelled walnuts, to no one other than another authorized sheller;

(iii) To comply fully with all laws and regulations applicable to the shelling of walnuts;

(iv) To report to the Control Board, immediately upon receipt of any lot of surplus walnuts, the quantity and pack of the walnuts so received and the identity of the person from whom received, and within fifteen (15) days after the disposition of such walnuts, to report their disposition to the Control Board. All such reports shall be certified to the Control Board and to the Secretary as to their correctness and accuracy.

The Board, if it finds that such an application is made in good faith and if the applicant may be reasonably relied upon to fulfill and observe the conditions to which it has agreed, shall issue a letter of authority to such applicant to serve as an authorized sheller. Such letter of authority shall expire with the end of the marketing year during which it is issued by the Board.

**SEC. 6. Reports and books and records—(a) Reports of handler carry-over.** Each handler, on or before August 15 and January 15 of each marketing year, shall file with the Control Board a written report, under oath, of all merchantable walnuts and other walnuts available for packing held by him on the first day of August and January, respectively, showing the pack (if merchantable) and location thereof and the quantities:

(1) Which theretofore have been certified for handling, and on which the surplus obligation has previously been met;

(2) Which theretofore have been certified as surplus;

(3) Which have been packed as merchantable walnuts but have not been certified; and

(4) Which have not been packed as merchantable walnuts but are available for packing.

(b) *Reports of disposition of surplus.*

(1) Each handler, before he disposes of any quantity of surplus walnuts held by him, shall file with the Control Board a report of his intention to dispose of such quantity of surplus walnuts. This report shall be filed not less than five (5) days prior to the date on which the surplus walnuts are disposed of unless the five (5) day period is expressly waived by the Control Board.

(2) Each handler, within fifteen (15) days after the disposition of any quantity of surplus walnuts, shall file with the Control Board a report of the actual disposition of such quantity of surplus walnuts. Such reports shall be certified to the Control Board and to the Secretary as to their correctness and accuracy.

(3) Each handler, from time to time, on demand of the Control Board, shall file with the Board a report of his holdings of surplus walnuts as of any date specified by the Board. Such report, at the request of the Control Board, may be in the form of a confirmation of the records of the Control Board of such handler's holdings.

(4) All reports required by this paragraph of this section shall show the quantity, pack and location of the walnuts covered by such reports and in the case of reports required by subparagraphs (1) and (2) of this paragraph, the applicable handler's storage lot and Control Board certificate numbers, and the disposition of the surplus which is intended or which has been accomplished.

(c) *Other reports.* Upon request of the Control Board, made with the approval of the Secretary, every handler shall furnish to the Board, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein) such other information as will enable the Control Board to perform its duties and to exercise its powers hereunder.

(d) *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the Control Board, through its duly authorized agents, shall have access to the handler's premises wherever walnuts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any walnuts so held by such handler and any and all records of the handler with respect to the holding or disposition of all walnuts which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the Control Board may make of such handler's holdings of any walnuts. Every handler shall store surplus walnuts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect

to Control Board certificates of respective lots of all such walnuts held or theretofore disposed of.

**SEC. 7. Expenses and assessments—(a) Expenses.** The Control Board is authorized to incur such expenses as the Secretary may find are reasonably and likely to be incurred by it during each marketing year, for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the Control Board as to the expenses for each such marketing year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before September 15 of the marketing year in connection with which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

(b) *Assessments.* (1) Each handler shall pay to the Control Board on demand by the Control Board, from time to time, the sum of 0.10¢ for each pound of merchantable walnuts handled or certified for handling by him after the effective date hereof. At any time during or after a marketing year, the Secretary may increase the rate of assessment to apply to all walnuts handled or certified for handling during such marketing year to secure sufficient funds to cover the expenses authorized by paragraph (a) of this section or by any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board by each handler on demand.

(2) Any money collected as assessments during any marketing year and not expended in connection with the respective marketing year's operations hereunder may be used and shall be refunded by the Control Board in accordance with the provisions hereof. Such excess funds may be used by the Control Board during the period of four (4) months subsequent to such marketing year in paying the expenses of the Control Board incurred in connection with the new marketing year. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing year, distribute or make available, within five (5) months after the beginning of the new marketing year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said marketing year.

(3) Any money collected from assessments hereunder and remaining unexpended in the possession of the Control Board upon the termination hereof shall be distributed in such manner as the Secretary may direct.

**SEC. 8. Personal liability.** No member or alternate of the Control Board nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in



any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate or employee, except for acts of dishonesty.

**SEC. 9. Separability.** If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be effected thereby.

**SEC. 10. Derogation.** Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary of the United States to exercise any powers granted by the act or otherwise; or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**SEC. 11. Duration of immunities.** The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof except with respect to acts done under and during the assistance hereof.

**SEC. 12. Agents.** The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

**SEC. 13. Effective time and termination—(a) Effective time.** The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

**(b) Termination.** (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of walnuts who during the preceding marketing year have been engaged in the production for market of walnuts in the States of California, Oregon, and Washington. *Provided*, That such majority have during such period produced for market more than fifty (50) percent of the volume of such walnuts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current marketing year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(5) The provisions of section 3 relating to minimum standards of maturity and quality and grading and inspection requirements, within the meaning of sec-

tion 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the seasonal average price for walnuts is in excess of the parity level specified in section 2 (1) of the act.

**(c) Proceedings after termination.** (1) Upon the termination of the provisions hereof, the members of the Control Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Control Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Control Board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Control Board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Board and upon said joint trustees.

**SEC. 14. Effect of termination or amendment.** Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

**SEC. 15. Amendments.** Amendments hereto may be proposed from time to time, by any party hereto or by the Control Board. After due notice and hearing and upon the execution of the proposed amendments by any two or more handlers, who during the preceding crop year handled not less than two-thirds ( $\frac{2}{3}$ ) of the merchantable walnuts handled or certified for handling during such crop year, the Secretary may approve such amendments and they shall become effective at such time as the Secretary may designate.

**SEC. 16. Counterparts.** This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as

if all such signatures were contained in one original.

**SEC. 17. Additional parties.\*** After the effective date hereof, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

**SEC. 18. Order with marketing agreement.\*** Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of walnuts in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

**Signatures.\*** In witness whereof, the contracting parties acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

Copies of this notice of hearing may be obtained or inspected, prior to the hearing, at any of the following offices of the Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture: 2180 Milvia Street, Farm Credit Building, Berkeley, California; 1206 Santee Street, 12th Floor, Los Angeles, California; 221 California Fruit Building, 4th and Jay Streets, Sacramento, California; 515 Southwest Tenth Street, Portland, Oregon; or at the office of the Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles, California. Such copies may also be obtained from or inspected at offices of the County Agricultural Conservation Associations in commercial walnut producing counties in California, Oregon, and Washington. Copies may also be obtained from or inspected at the office of the Hearing Clerk, U. S. Department of Agriculture, Room 1846, South Agricultural Building, Washington, D. C.

Dated: April 6, 1943 at Washington, D. C.

[SEAL] S. R. NEWELL,  
Acting Assistant Administrator.

[F. R. Doc. 48-3132; Filed, Apr. 8, 1943; 8:52 a. m.]

# [7 CFR, Part 927]

## MILK IN NEW YORK METROPOLITAN MARKETING AREA

### NOTICE OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDMENT TO RULES AND REGULATIONS

Pursuant to provisions of § 927.4 (b) of Order No. 27, as amended (7 CFR, Supps. 927.0 et seq., 12 F. R. 5249, 8382; 13 F. R. 1336, 1641), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) notice is



hereby given of a public meeting to be held on April 14, 1948 at 10:00 a. m., e. s. t., at the office of the Market Administrator, 205 East 42nd Street, New York, New York, for consideration of a proposed amendment to the rules and regulations, as amended (10 F. R. 13095; 12 F. R. 457, 3241), which were issued under said order as amended.

The proposed amendment to be considered at said public meeting, which proposal was submitted by the Milk Dealers' Association of Metropolitan New York, Inc., consists of the following proposed change:

Amend section 1 (m) so that there will be added to the definition of evaporated milk the sentence: "Other non-milk products not to exceed one-half of one percent may also be added".

Interested persons will be afforded an opportunity to participate in the meeting through submission of written data, views, or arguments, and to present the same orally.

Copies of the said rules and regulations which became effective on November 1, 1945, of the said amendments which became effective on February 1, 1947 and June 1, 1947, and of the proposed amendment thereto, may be procured from the Market Administrator, 205 East Forty-second Street, New York, New York, or may be there inspected.

Issued this 30th day of March 1948.

[SEAL]

C. J. BLANFORD,  
Market Administrator,  
New York Metropolitan  
Milk Marketing Area.

[F. R. Doc. 48-3133; Filed, Apr. 8, 1948;  
8:52 a. m.]

## 17 CFR, Part 9511

[Docket No. AO-135-A2]

### HANDLING OF TOKAY GRAPES IN CALIFORNIA

#### NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT, AS AMENDED, AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR and Supps. 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held in the Chamber of Commerce Auditorium, City Hall, Lodi, California, beginning at 9:00 a. m., P. d. s. t., April 15, 1948, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., Part 951) hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Tokay grapes grown in the State of California. These proposals have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions relating to the proposed amendments, which

are hereinafter set forth, and appropriate modifications thereof.

The following amendments have been proposed by the Industry Committee, established pursuant to the aforesaid marketing agreement and order:

1. Insert the following immediately preceding the period in section 1 (b) of the marketing agreement and § 951.1 (b) of the order: "and further amended by Public Law 305, 80th Cong., approved August 1, 1947"

2. Delete section 1 (g) of the marketing agreement and § 951.1 (g) of the order and insert, in lieu thereof, the following:

(g) "Handle" is synonymous with "ship" and means to sell, load in a conveyance for transportation, offer for transportation, transport, deliver to cold storage, or, in any other way to place grapes in the current of commerce between the State of California and any point outside thereof, or within the State of California.

3. Delete section 1 (k) (1) of the marketing agreement and § 951.1 (k) (1) of the order and insert, in lieu thereof, the following:

(1) "Lodi District" means the County of San Joaquin, and shall be divided into the following Election Districts: (i) "Acampo Election District" means the school district of Houston; (ii) "Woodbridge Election District" means the school district of Woods, and that portion of the Galt Joint Union school district situated in San Joaquin County; (iii) "Lafayette Election District" means the school districts of Lafayette, Henderson, Turner, Ray, Terminous and New Hope; (iv) "Victor Election District" means the school districts of Bruella, Victor, Lockeford, Oak View and Clements; (v) "Alpine Election District" means the school districts of Alpine and Lodi; (vi) "Live Oak Election District" means all of the school districts in the Lodi District, other than those included in the Acampo, Woodbridge, Lafayette, Victor, and Alpine Election Districts.

4. Add the following to section 1 of the marketing agreement and § 951.1 of the order:

(1) "Cold storage" means the storage of grapes, under refrigeration, in a warehouse in the State of California under such conditions as the Industry Committee may prescribe.

5. Delete the third sentence from section 2 (a) of the marketing agreement and § 951.2 (a) of the order.

6. Insert the following immediately preceding the semicolon in section 2 (m) (3) of the marketing agreement and § 951.2 (m) (3) of the order: "and to engage in such research and service activities relating to the handling of grapes as may be approved, from time to time, by the Secretary"

7. In sections 2 (m) (13) 2 (m) (15), and 2 (p) (5) of the marketing agreement delete the words "sections 4 and 5" and in §§ 951.2 (m) (13) 951.2 (m) (15), and 951.2 (p) (5) of the order delete the words "sections 951.4 and 951.5" and insert, in lieu thereof, the words "the provisions"

8. Delete the first sentence in section 3 (a) of the marketing agreement and § 951.3 (a) of the order and insert, in lieu thereof, the following: "The Industry Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the Industry Committee during the then current season for its maintenance and functioning and for such research and service activities relating to the handling of grapes as the Secretary may determine to be appropriate."

9. In the first sentence in section 3 (b) of the marketing agreement and § 951.3 (b) of the order delete the words after "will be," and insert, in lieu thereof, the following: "incurred, as aforesaid, by the committee during such season."

10. In section 4 (b) of the marketing agreement and § 951.4 (b) of the order delete subparagraph (2) and renumber subparagraph (3) as "(2)"

11. Delete the provisions of subparagraphs (1) through (5) of section 4 (c) Exemptions of the marketing agreement and § 951.4 (c) Exemptions of the order, renumber subparagraph (6) of such section 4 (c) and § 951.4 (c) to read "(5)", and insert the following:

(1) The Industry Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(2) In the event the Secretary issues a regulation pursuant to this section, the Industry Committee shall determine for each district the percentage which the grapes produced in each such district, and permitted to be shipped under such regulations, is of the quantity of grapes produced in the respective district which would be shipped in the absence of such regulation. An exemption certificate may thereafter be issued by the Industry Committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or causing to be shipped, a percentage of his crop of grapes equal to the percentage determined as aforesaid of all grapes permitted to be shipped from his district. The certificate shall permit such grower to ship, or cause to be shipped, a percentage of his crop of grapes equal to the percentage determined as aforesaid.

(3) In the event the Industry Committee determines that, by reason of general crop failure or other unusual conditions within a particular district, it is not feasible or would not be equitable to issue exemption certificates to growers within such district on the basis set forth in subparagraph (2) of this paragraph, it may issue such certificates on the basis of the average of the percentages, as determined in subparagraph (2) of this paragraph, of the crops of grapes permitted to be shipped from both districts. An exemption certificate may thereafter be issued by the Industry Committee to any grower who furnishes proof, satisfactory to such committee, that, by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or causing to be shipped, a percentage of his crop of grapes equal to the average of the percentages determined as afore-

said. The certificate shall permit such grower to ship, or cause to be shipped, a percentage of his crop of grapes equal to the average of the percentages determined as aforesaid.

(4) If any grower is dissatisfied with the action of the Industry Committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary. *Provided*, That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

12. Renumber section 5, section 6, and sections 7 through 18 of the marketing agreement to read, respectively, section 7, section 8, and sections 11 through 22 in proper numerical sequence; and renumber § 951.5, § 951.6, and §§ 951.7 through 951.18 of the order to read, respectively, § 951.7, § 951.8, and §§ 951.11 through 951.22 in proper numerical sequence.

13. In section 4 (d) of the marketing agreement and § 951.4 (d) of the order delete the words "this section" after the words "pursuant to" and insert, in lieu thereof, the words "sections 4 and 5" in the marketing agreement and the words "§§ 951.4 and 951.5" in the order. Redesignate paragraph (d) of section 4 of the marketing agreement and § 951.4 of the order to read section 6 of the marketing agreement and § 951.6 of the order.

14. Add a new section 5 to the marketing agreement and a new § 951.5 to the order, as follows:

*Minimum standards of quality and maturity—(a) Recommendation.* Whenever the Industry Committee deems it advisable to establish and maintain minimum standards of quality and maturity governing the shipment of grapes, pursuant to this section, it shall recommend to the Secretary the minimum quality or maturity, or both, below which shipments of grapes are to be limited. At the time of submitting any such recommendation, the Industry Committee shall also submit to the Secretary the supporting data and information upon which it acted in making such recommendation. The said committee shall submit, in support of its recommendation, such other data and information as may be requested by the Secretary, and shall give prompt notice to handlers and growers of any such recommendation.

(b) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to limit the shipment of grapes below a specified minimum quality or maturity, or both, would be in the public interest and tend to effectuate the declared policy of the act, he shall so limit the shipment of such grapes. The Secretary shall immediately notify the Industry Committee of the issuance of such regulation, and said Committee shall give prompt notice thereof to handlers and growers.

15. Add a new section 9 to the marketing agreement and a new § 951.9 to the order, as follows:

*Limitation of shipments—(a) Definitions.* As used in this section, the term "handle" is synonymous with "ship" and means to pack in containers, load in a conveyance for transportation, offer for transportation, or transport grapes in the current of commerce between the State of California and any point outside thereof, or within the State of California.

(b) *Recommendation of regulation.* (1) Whenever the Industry Committee deems it advisable to limit the shipment of grapes, by prohibiting the shipment thereof, during any specified period, and regulation of daily shipments pursuant hereto is not deemed practicable, the committee may recommend to the Secretary the establishment of a limitation period, during which the shipment of grapes shall be limited, as herein provided.

(2) In making its recommendation the committee shall give consideration to the following factors: (i) Market prices of Tokay and other varieties of California grapes; (ii) supplies of Tokay and other varieties of California grapes enroute to, and on track in, the principal markets; (iii) supply and condition of Tokay grapes in the area of production; (iv) market prices and supplies of fruits competitive to Tokay grapes; and (v) other relevant factors.

(3) At the time of making such recommendation, the committee shall report to the Secretary: (i) The period during which the proposed limitation is to be effective; (ii) the expected maximum and average daily shipments of grapes during such period in the absence of such proposed limitation; and (iii) the factors considered in making the recommendation together with such other information as the Secretary may request. The Industry Committee shall give prompt notice to handlers and growers of any such recommendation.

(c) *Issuance of regulation.* (1) Whenever the Secretary finds, from the recommendation and information submitted by the committee, or from other available information, that to limit the shipment of grapes, by prohibiting the shipment thereof, during a specified period will tend to effectuate the declared policy of the act, the Secretary shall so limit the shipment of grapes during a specified period. The Secretary shall immediately notify the Industry Committee of the issuance of any such regulation.

(2) Any limitation of shipments, established pursuant to the provisions of this section, shall not be in effect for a period longer than forty-eight (48) consecutive hours; and not less than forty-eight (48) hours shall elapse between the termination of one limitation period, and the start of the following limitation period.

(3) Any handler may ship grapes to cold storage, for the purpose of storage, during a prohibition period, if such grapes meet the grade and size regulation established pursuant hereto: *Provided*, That, such handler shall first secure a permit therefor from the In-

dustry Committee. Such permit shall be granted upon application, if such application is in such form and contains such information as may be prescribed by the Industry Committee. Such grapes shall not be shipped thereafter unless and until such grapes shall have been stored for such period of time as may be prescribed by the Industry Committee.

16. Add a new section 10 to the marketing agreement and a new § 951.10 to the order, as follows:

*Modification, suspension, or termination.* Whenever the Industry Committee deems it advisable to recommend to the Secretary the modification, suspension, or termination of any or all of the regulations established pursuant hereto, it shall so recommend to the Secretary. If the Secretary finds upon the basis of such recommendation or from other available information that to modify such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information that any such regulations obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulations. The Secretary shall immediately notify the Industry Committee, and such committee shall promptly give adequate notice to handlers and growers, of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed that consideration be given to such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with the proposed amendments.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Western Marketing Field Office of the Fruit and Vegetable Branch, Production and Marketing Administration, either at 221 California Fruit Building, Fourth and Jay Streets, Sacramento 14, California, or 2180 Milvia Street, Berkeley 1, California.

Dated: April 7, 1948, Washington, D. C.

[SEAL] S. R. NEWELL,  
Acting Assistant Administrator.

[F. R. Doc. 48-3162; Filed, Apr. 8, 1948; 9:55 a. m.]

## 17 CFR, Part 9721

[Docket No. AO-177-A5]

### HANDLING OF MILK IN TRI-STATE MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON  
PROPOSED AMENDMENTS TO TENTATIVE  
MARKETING AGREEMENT AND ORDER, AS  
AMENDED

Notice is hereby given that the hearing on certain proposed amendments to the tentative marketing agreement and to

the order, as amended, regulating the handling of milk in the Tri-State milk marketing area, heretofore scheduled (13 F. R. 1308) to begin at 10:00 a. m., e. s. t., at the Prichard Hotel, Huntington, West Virginia, on April 12, 1948, is postponed, and shall instead begin at the same place, at 10:00 a. m., e. s. t., on May 10, 1948.

[SEAL] S. R. NEWELL,  
Assistant Administrator

APRIL 7, 1948.

[F. R. Doc. 48-3179; Filed, Apr. 8, 1948;  
9:20 a. m.]

## CIVIL AERONAUTICS BOARD

### [14 CFR, Part 292]

#### AUTHORIZATION FOR SMALL IRREGULAR CARRIERS TO CARRY PASSENGERS IN FOREIGN AIR TRANSPORTATION

##### NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment of § 292.1 which, in effect, would authorize Irregular Air Carriers utilizing only small aircraft to engage in the foreign air transportation of persons.

The principal features of the proposed amendment are explained in the attached explanatory statement.

The proposed amendment is set forth in the attached proposed rule.

This amendment is proposed under authority of section 205 (a) and Title IV of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984, 987-1005; 49 U. S. C. 425, 481-496).

Interested persons may participate in the proposed rule-making through the submission of written data, views or arguments pertaining thereto, in duplicate, addressed to Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received by May 6, 1948, will be considered by the Board before taking further action on the proposed rule.

(Sec. 205 (a) 52 Stat. 984; 49 U. S. C. 425 (a))

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary:

*Explanatory statement.* This statement, to accompany the proposed amendment of § 292.1 of the Economic Regulations (Draft Release No. 26) is offered for the sole purpose of facilitating an understanding of the principal features of the proposed regulation.

When § 292.1 of the Economic Regulations was promulgated, taking effect on June 10, 1947, the Board found that continuation of a previously granted exemption to non-certificated air carriers with respect to the carriage of persons in foreign air transportation was no longer justified. This finding was based on the fact that a smaller traffic potential existed in international air transportation as compared with interstate and overseas air transportation, and therefore, in view of the then recent award of foreign air carrier permits and the consequent extension of an international air transpor-

tation system, the public interest could be adequately served by operations of the certificated carriers. In making such finding, the Board necessarily had in mind the type of service customarily provided by the certificated carriers; that is, large transport type aircraft serving almost exclusively the needs of passenger transportation between large metropolitan centers on the authorized routes of the carriers. The Board did not feel that such service need be augmented by the irregular carrier's operations with DC-3 and DC-4 equipment.

Accordingly, the Board has, by individual exemption orders, temporarily authorized certain irregular air carriers utilizing only small aircraft to engage in foreign air transportation of persons. (For example, see Orders Serial Number E-906 and E-924, issued October 21, 1947, and October 29, 1947, respectively) These air carriers desired to engage in the carriage of sportsmen and vacationists between the United States and Canada between points at least one of which was not on the route of any scheduled carrier, and were able to make a sufficient presentation to the Board that the full enforcement of the provisions of Title IV was not in the public interest and would be an undue burden on them because of the limited extent of their operations.

The Board is of the opinion that small irregular carriers of this type should be granted general authority to engage in the foreign air transportation of persons. The granting of such authority by general rule is administratively desirable since it saves the Board from individually hearing applications for exemption based upon highly similar general circumstances. Nor is such a general exemption detrimental to the interests of the certified carriers since service conducted in small aircraft can in no sense be competitive with that conducted in large transport by such carriers. When there might be a choice of the two, the traveler would invariably be induced to choose the certificated carrier because, generally, it is faster, less expensive, safer and more reliable and more comfortable. The only point in favor of the small carrier is that it can serve places not served by the large carrier and in a schedule to suit the traveler's convenience. It can accordingly be concluded that where the Small Irregular Carrier's services are utilized, it is because the desired service is not available in a certificated carrier.

It may also be pointed out that operational considerations of the aircraft utilized by Small Irregular Carriers would limit the service to border countries—Canada and Mexico (and possibly contiguous land areas to the south thereof, if anyone wished to venture so far in a small plane) and perhaps Cuba. All of those countries offer opportunities for recreational travel and it would appear to be in the public interest to permit the small carriers to take advantage of such opportunities to the extent of their limited and specialized abilities. It is believed that the very nature of these small carrier operations will confine them to service for vacationists to relatively isolated spots and, therefore, it is not necessary to impose any regulatory restrictions as to points to be served.

In order to grant the desired authority to these carriers, it has been deemed desirable to amend § 292.1 (b) in order to delete the restriction on foreign transportation of persons. In all other respects the classification therein established remains the same. It will also be noted that the further classification recognized in § 292.1 (c) (2) has been formalized herein, and provision has also been made for reclassification where appropriate. Section 292.1 (c) (7) has been added to restrict large irregular air carriers from engaging in foreign air transportation of persons. In addition, the definition of the term "point" previously included in the text of § 292.1 (b) has been placed in a new paragraph (f).

It is proposed to amend § 292.1 of the Economic Regulations (14 CFR 292.1) as follows:

1. By amending paragraph (b) to read as follows:

(b) *Classification.* There is hereby established a classification of non-certificated air carriers to be designated as "Irregular Air Carriers." An "Irregular Air Carrier" shall include any person (1) who directly engages in air transportation, (2) who does not hold a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and (3) who does not hold out to the public, expressly or by course of conduct, that he operates one or more aircraft between designated points, or within a designated point, regularly or with a reasonable degree of regularity, upon which aircraft he accepts for transportation, for compensation or hire, such members of the public as apply therefor or such property as the public offers.<sup>1</sup>

(1) *Large Irregular Carrier.* An Irregular Air Carrier shall be designated as a "large irregular carrier" when the aircraft units utilized in its transportation services have an allowable gross take-off weight which exceeds: (i) 10,000 pounds for any one unit, or (ii) 25,000 pounds for the total of such units as exceed 6,000 pounds each.

(2) *Small Irregular Carrier.* An Irregular Air Carrier shall be designated as a "small irregular carrier" when the aircraft units utilized in its transportation services have an allowable gross take-off weight which does not exceed: (i) 10,000 pounds for any one unit, or (ii) 25,000 pounds for the total of such units as exceed 6,000 pounds each.

(3) *Reclassifications.* Each Large Irregular Carrier and each Small Irregular Carrier shall conduct its operations in such manner as to comply with the requirements and limitations applicable to its respective class until such carrier has been notified of its reclassification pursuant to application therefor filed with the Board by such carrier. Such application shall specify the number of aircraft units, and the type of each, which such carrier proposes to utilize in air

<sup>1</sup>No air carrier shall be deemed to be an Irregular Air Carrier unless the air transportation services offered and performed by it are of such infrequency as to preclude an implication of a uniform pattern or normal consistency of operation between, or within, such designated points.

transportation pursuant to such reclassification.

2. By adding a new paragraph (c) (7) to read as follows:

(7) *Operational limitations for Large Irregular Air Carriers.* Large Irregular Air Carriers shall not engage in the foreign air transportation of persons.

3. By adding a new paragraph (f) to read as follows:

(f) *Definitions.* Where used in this section the terms below shall be defined as follows:

(1) The term "point" shall mean any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place.

[F. R. Doc. 48-3131; Filed, Apr. 8, 1948; 8:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

147 CFR, Part 11

[Docket No. 8723]

### GRANTING OF SPECIAL TEMPORARY AUTHORITY TO STANDARD BROADCAST STATIONS

#### ORDER SCHEDULING ORAL ARGUMENT

In the matter of amendment of § 1.324 of the Commission's rules and regulations.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 31st day of March 1948;

The Commission having under consideration written comments filed with respect to its notice of proposed rule making of February 5, 1948 (13 F. R.

669) to abolish the granting of special temporary authority to standard broadcast stations pursuant to the provisions of § 1.324 of the Commission's rules and regulations; and

It appearing, that comments have been received requesting oral argument with respect to the proposal contained in said notice of proposed rule making;

It is ordered, That the Commission will hear said oral argument on May 7, 1948 at 10:30 a. m. in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue, Washington, D. C.

Released: April 1, 1948.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-3107; Filed, Apr. 8, 1948; 8:50 a. m.]

## NOTICES

### FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8179, 8180]

BLACKHAWK BROADCASTING CO. AND  
WTAX, INC.

#### ORDER CONTINUING HEARING

In re applications of Blackhawk Broadcasting Company, Sterling, Illinois, Docket No. 8179, File No. BP-5409; WTAX, Incorporated (WTAX) Springfield, Illinois, Docket No. 8180, File No. BP-5588; for construction permits.

Whereas, the above-entitled applications of Blackhawk Broadcasting Company, Sterling, Illinois, and WTAX, Incorporated (WTAX) Springfield, Illinois, are scheduled to be heard in a consolidated proceeding at Washington, D. C., on March 31, 1948; and

Whereas, there are pending before the Commission petitions filed September 10, 1947, by each of the said applicants requesting severance, reconsideration and grant without hearing of the respective above-entitled applications;

It is ordered, This 29th day of March 1948, that the said hearing be, and it is hereby, continued to 10:00 a. m., Monday, April 12, 1948, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-3109; Filed, Apr. 8, 1948; 8:51 a. m.]

NORTHERN COLORADO BROADCASTING CO.

#### PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL<sup>1</sup>

The Commission hereby gives notice that on December 29, 1947 there was filed with it an application (BTC-603) for its consent under section 310 (b) of the

Communications Act to the proposed transfer of control of The Northern Colorado Broadcasting Company, licensee of KCOL, Fort Collins, Colorado from Wilbur E. Rocchio to J. Herbert Hollister, Boulder, Colorado. The proposal to transfer control arises out of a contract of November 12, 1947 pursuant to which Wilbur E. Rocchio proposes to sell to J. Herbert Hollister 38 shares or 38% of the no par value common stock of The Northern Colorado Broadcasting Company for a total consideration of \$26,800. Of this amount \$2,000 was placed in escrow, the balance to be paid upon Commission approval.

It also appears that Hollister previously acquired a total of 20 shares of such stock from Rocchio and other parties at the rate of \$600 per share. The stock presently being acquired as well as the stock previously acquired is available to the public under the same terms and conditions as set out in the pending application and in the previous arrangements between Hollister and the selling stockholders. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission has been advised by applicant that notice of the filing of the application would be inserted in The Fort Collins Coloradoan, a newspaper of general circulation at Fort Collins, Colorado in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application until after May 10, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-3111; Filed, Apr. 8, 1948; 8:51 a. m.]

#### ANTIETAM BROADCASTING CORP.

#### PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL<sup>1</sup>

The Commission hereby gives notice that on March 29, 1948, there was filed with it an application (BTC-631) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Antietam Broadcasting Corporation, licensee of WARK, Hagerstown, Maryland, from Andrew K. Coffman and other stockholders to Raymond J. Funkhouser, Ranson, West Virginia. The proposal to transfer control arises out of a contract of March 8, 1948 pursuant to which the selling stockholders propose to sell all of the 650 shares of \$100 par value preferred stock and all the 650 shares of \$1 par value common stock to said Raymond J. Funkhouser for a total consideration of \$107,000. Of this amount \$35,000 was paid in cash at the time of acceptance of the offer and the remaining \$72,000 is to be paid monthly at the rate of \$3,000 a month for twenty-four months. The deferred purchase price is to be evidenced by purchaser's promissory notes and secured by the stock. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on March 29, 1948 that start-

<sup>1</sup> Section 1.321, Part 1, Rules of Practice and Procedure.

ing on April 1, 1948 notice of the filing of the application would be inserted in The Morning Herald and The Daily Mail, newspapers of general circulation at Hagerstown, Maryland, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from April 1, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-3112; Filed, Apr. 8, 1948;  
8:51 a. m.]

#### KGRH, FAYETTEVILLE, ARK.

##### PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE<sup>1</sup>

The Commission hereby gives notice that on March 30, 1948 there was filed with it an application (BAL-715) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KGRH, Fayetteville, Ark., from George Bennitt, Russell Bennitt and Hal Douglas, doing business as Fayetteville Broadcasting Company to Fayetteville Broadcasting Company, Inc. The proposal to assign the license arises out of a contract of February 18, 1948 pursuant to which the station and all of its facilities and properties (save and except cash on hand and accounts receivable as of December 31, 1947) would be sold to purchaser for \$45,000 in cash and 200 shares of the common voting stock of assignee. Sellers are to pay obligations of the licensee as of December 31, 1947. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on March 30, 1948 that starting on April 2, 1948 notice of the filing of the application would be inserted in the Northwest Arkansas Times, a newspaper of general circulation at Fayetteville, Arkansas in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from April 2, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

<sup>1</sup> Section 1.321, Part 1, Rules of Practice and Procedure.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-3113; Filed, Apr. 8, 1948;  
8:51 a. m.]

#### SOUTHLAND BROADCASTING CO.

##### PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL<sup>1</sup>

The Commission hereby gives notice that on March 12, 1948 there was filed with it an application (BTC-629) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Southland Broadcasting Company, licensee of WLAU, Laurel, Mississippi, from W. A. Beard and other stockholders to Hugh Smith and Hubert Leggett, Laurel, Mississippi. According to the application and associated papers, it appears that it is proposed to transfer to Hugh Smith a total of 89 shares and to Hubert Leggett a total of 138 shares. The total number of shares involved in the transfer is 227 which constitutes 85.5% of the 277 shares of the outstanding stock of the licensee. The stock so transferred would be sold for \$140 a share. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on March 27, 1948 that starting on March 29, 1948 notice of the filing of the application would be inserted in the Laurel Leader-Call, a newspaper of general circulation at Laurel, Mississippi in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from March 29, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-3114; Filed, Apr. 8, 1948;  
8:51 a. m.]

#### SOUTHERN RADIO BROADCASTING AND TELEVISION CO., STATION KLIX

##### PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL<sup>1</sup>

The Commission hereby gives notice that on February 24, 1948 there was filed with it an application (BTC-630) for its

consent under section 310 (b) of the Communications Act to the proposed transfer of control of Southern Idaho Broadcasting and Television Company, Station KLIX, Twin Falls, Idaho from Fentress H. Kuhn to J. Robb Brady Trust Company, a corporation, Twin Falls, Idaho. The proposal to transfer control is evidenced by resolutions of the directors of the licensee of January 27, 1948. From the application and other associated papers it appears that Kuhn would sell all of his 22,000 shares or 50% of the outstanding stock of licensee to said J. Robb Brady Trust Company at \$1 per share. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on March 25, 1948 that starting on March 21, 1948 notice of the filing of the application would be inserted in the Twin Falls Times-News, a newspaper of general circulation at Twin Falls, Idaho in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from March 21, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-3115; Filed, Apr. 8, 1948;  
8:51 a. m.]

#### ASSIGNMENT OF SHIP RADIO STATION CALL SIGNS

APRIL 1, 1948.

The Federal Communications Commission today made final its proposed rule making of February 20, 1948, providing for reassignment of call signs to radio stations aboard ships. It amended Parts 5 and 8 of its rules and regulations governing, respectively, the Experimental Radio Services and the Ship Service to specify the calls which will be assigned to certain existing ship radio stations and radar stations and to new stations of the same kind.<sup>2</sup>

Many of the calls now assigned to such stations will be changed. Each licensee will be notified of the call assignments to be used by the stations for which he is responsible, and the date of the change.

The effective date of the new call signs for stations on board ships authorized exclusively for radiotelephony, and not carrying radio-equipped survival craft,

<sup>2</sup> See Title 47, Chapter I, Parts 5 and 8, *supra*.



is July 1, 1948, and the licensees concerned are to be notified on or about May 1, 1948. The effective date of the new call signs for stations on other types of ships is November 1, 1948, and the licensees concerned are to be notified prior to August 1, 1948.

In each "Notice of Change of Call Sign" to be issued to a licensee, the Commission will specify:

The following identification procedures will be followed in cases where the operator considers it desirable or necessary to identify a radio station by its old call sign, as well as by the new call sign, after this change in call sign becomes effective:

(a) When using telegraph, the transmission of the new call sign will be followed immediately by the fraction-bar character (DN) followed by the old call sign. Example: "\* \* \* de KAAZ/ABCD"

(b) When using telephone, transmission of the new call sign will be followed by the word "formerly" followed by the old call sign. Example: "\* \* \* WA2255 formerly WAZZ"

NOTE: The procedure as outlined in these special instructions may be followed for a period ending not later than 3 months from the effective date of the new call signs.

An alphabetical list of the changes involved, including old and new calls, and the dates involved, will be available generally about July 1, next, through sale by Cooper-Trent, 1130 Nineteenth Street NW., Washington 6, D. C.

Approved: March 31, 1948.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-3110; Filed, Apr. 8, 1948;  
8:51 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### ARKANSAS

#### WITHDRAWAL OF PUBLIC LANDS FOR FLOOD CONTROL PURPOSES

Notice for filing objections to the following entitled order published simultaneously herewith: Public Land Order No. 463, withdrawing public lands for flood control purposes.<sup>1</sup>

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its

purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,  
Assistant Secretary of the Interior.

APRIL 2, 1948.

[F. R. Doc. 48-3097; Filed, Apr. 8, 1948;  
8:49 a. m.]

[Misc. 1730278]

#### NEVADA

#### NOTICE OF FILING OF PLAT OF SURVEY

APRIL 2, 1948.

Notice is given that the plat of survey of a portion of T. 21 S., R. 70 E., Mount Diablo Meridian, Nevada, accepted January 30, 1945, including lands hereinafter described, will be officially filed in the District Land Office, Carson City, Nevada, effective at 10:00 a. m. on June 3, 1948.

The lands affected by this notice are described as follows:

#### MOUNT DIABLO MERIDIAN

T. 21 S., R. 70 E.,  
Secs. 1 to 11, inclusive;  
Sec. 12, lots 1 to 6, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Sec. 13, lots 1 and 2;  
Sec. 14, lots 1, 2 and 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Secs. 15 to 22, inclusive;  
Sec. 23, lots 1 to 5, inclusive, NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Sec. 26, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
Secs. 27 to 34, inclusive;  
Sec. 35, lots 1 to 5, inclusive.

The area described aggregates 19,162.65 acres.

The records of this Bureau show that all of the unreserved public lands within the above township were temporarily withdrawn for classification pending determination as to the advisability of including such lands in a national monument pursuant to Executive Order No. 5339 of April 25, 1930.

The above-described lands are subject to Executive Order No. 6065 of March 3, 1933, for the use of the Boulder Canyon National Wildlife Refuge.

Lots 1 to 6, inclusive, sec. 12, lots 1 and 2, sec. 13, lots 1, 2, 3, and NW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 14, lots 1 to 5, inclusive, sec. 23, lots 1 to 4, inclusive, and SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 26, lots 1 to 5, inclusive, sec. 35, T. 21 S., R. 70 E., M. D. M., were embraced in Power Site Classification No. 210, on January 7, 1929, as conformed June 28, 1945.

The following lands were embraced in a second form Reclamation withdrawal on July 31, 1903, for the Colorado River Project as conformed June 28, 1945.

T. 21 S., R. 70 E., M. D. M.,  
Secs. 1, 2 and 3;  
Sec. 4, E $\frac{1}{2}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Sec. 8, E $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
Secs. 9, 10 and 11;  
Sec. 12, lots 1 to 6, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
Sec. 13, lots 1 and 2;

Sec. 14, lots 1, 2, and 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Secs. 15 and 16;  
Sec. 17, E $\frac{1}{2}$ E $\frac{1}{2}$ .  
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
Secs. 21 and 22;  
Sec. 23, lots 1 to 5, inclusive, NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Sec. 26, lots 1 to 4, inclusive, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
Secs. 27 and 28;  
Sec. 29, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ .  
Sec. 30, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ .  
Secs. 31 to 34 inclusive;  
Sec. 35, lots 1 to 5, inclusive.

All secs. 1, 2, 3, 10 to 16, inclusive, 20 to 23, inclusive, 26 to 29, inclusive, 31 to 35, inclusive, were included in a first form Reclamation withdrawal on May 18, 1919, for the Colorado River Storage Project as conformed June 28, 1945.

Anyone having a valid settlement or other right to any of these lands initiated prior to the withdrawals above-mentioned, should assert the same within three months from the date on which the plat is filed by filing an application under appropriate public-land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

THOS. C. HAVELL,  
Assistant Director.

[F. R. Doc. 48-3093; Filed, Apr. 8, 1948;  
8:49 a. m.]

[Misc. 1953279]

#### NEBRASKA

#### NOTICE OF FILING OF PLAT OF SURVEY

APRIL 1, 1948.

Notice is given that the plat of survey of lands hereinafter described accepted July 15, 1946, will be officially filed in the Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on June 3, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 3, 1948, to September 1, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938, (52 Stat. 609, 43 U. S. C. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (53 Stat. 747, 43 U. S. C. Sup. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 15, 1948,

<sup>1</sup> See Title 43, Chapter I, Public Land Order 463, *supra*.

## NOTICES

[Misc. 1565281]

## UTAH

## NOTICE OF FILING OF PLATS OF SURVEY

MARCH 29, 1948.

to June 3, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 3, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 2, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 14, 1948, to September 2, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 2, 1948 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and application under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

The lands affected by this notice are described as follows:

## CHERRY COUNTY

## SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 25 W.,  
Sec. 1, lot 8;  
Sec. 12, lot 8.

The area described contains 4.34 acres. The plat represents the survey of an island in the Niobrara River which was not included in the original survey as represented on the plat approved September 21, 1875.

The character of the land is level and gravelly.

THOS. C. HAVELL,  
Assistant Director.

[F. R. Doc. 48-3099; Filed, Apr. 8, 1948;  
8:49 a. m.]

Notice is given that the plats of survey of lands hereinafter described accepted September 23, 1947, will be officially filed in the District Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on May 31, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 31, 1948, to August 30, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sup. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from May 12, 1948, to May 31, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 31, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 31, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from August 12, 1948, to August 31, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 31, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code

of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Salt Lake City, Utah.

The lands affected by this notice are described as follows:

## SALT LAKE MERIDIAN

T. 27 S., R. 14 E.,  
Secs. 1 to 36, inclusive.  
T. 29 S., R. 14 E.,  
Secs. 1 to 25, inclusive.

The area described aggregates 41,570.75 acres.

The character of the lands involved vary from rolling and rough in character to rugged, rocky mountains.

THOS. C. HAVELL,  
Assistant Director.

[F. R. Doc. 48-3100; Filed, Apr. 8, 1948;  
8:50 a. m.]

[Misc. 2028640]

## NEW MEXICO

## CLASSIFICATION ORDER

APRIL 5, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3560), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. Sup. 682a), as hereinafter indicated, the following described public lands in the Santa Fe, New Mexico, land district, embracing 225.92 acres:

## SMALL TRACT CLASSIFICATION No. 86

## NEW MEXICO NO. 10

For Leasing, for Home, Cabin, Health,  
Convalescent and Recreational Sites

T. 17 N., R. 9 E., N.M. P. M.  
Sec. 21, lots 1, 2, 3, 4, 5, 8, 9, 12 and  
NW¼NE¼.

2. These lands, lying on a high plain with an elevation of approximately 7,200 feet, are located about two and one-half miles airline west of Santa Fe in Santa Fe County, New Mexico. They are reached by U. S. Highway No. 85 for a distance of two and one-half miles southwest of Santa Fe, thence northeast over dirt road for about two miles.

3. Water for domestic purposes and the irrigation of small vegetable gardens can be obtained at a depth of 200 to 250 feet. Pumping by windmills is feasible. There are no surface waters available for the land. Due to the close proximity to the city of Santa Fe, it is possible that these lands may subsequently be served by the city water mains. City electric power and telephone facilities are avail-

able to the lands and the occupants could take advantage of the Santa Fe schools, churches, markets, recreational and amusement facilities.

4. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR 257, Circ. 1647, May 27, 1947, and Circ. 1665, November 19, 1947) a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed under the regulations issued pursuant to the act, prior to 8:30 a. m. on March 20, 1946, and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

5. As to the land not covered by the applications referred to in paragraph 4, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on June 7, 1948. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for other preference-right filings.* For a period of 90 days from 10:00 a. m. on June 7, 1948, to close of business on September 6, 1948, inclusive, to (1) application under the small tract of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747) as amended May 31, 1947 (61 Stat. 123, 43 U. S. C. Sup. 279) and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement right and preference rights conferred by existing law or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference-right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at 8:30 a. m. on March 20, 1946, or thereafter, up to and including 10:00 a. m. on June 7, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on September 7, 1948, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous non-preference-right filings.* Applications under the small tract act by the general public filed at 8:30 a. m. on March 20, 1946, or thereafter, up to and including 10:00 a. m. on September 7, 1948, shall be treated as simultaneously filed.

6. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Other persons entitled to credit for service shall file evidence of their right to credit in accordance with

43 CFR 181.38 (Circ. 1588). Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

7. All applications referred to in paragraphs 4 and 5, which shall be filed in the district land office at Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254) to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall also be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

8. Lessees under the small tract act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of 5 years at an annual rental of \$5, payable for the entire lease period in advance of the issuance of the lease.

9. All of the lands will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet. The tracts, whenever possible must conform in description with the rectangular system of surveys as one compact unit; i. e., the NW¼, NE¼, SW¼ or the SE¼ of a quarter-quarter-quarter section.

10. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Santa Fe, New Mexico.

THOS. C. HAVELL,  
Assistant Director.

[F. R. Doc. 48-3101; Filed, Apr. 8, 1948;  
8:50 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### PROPOSED VOLUNTARY PLAN

#### CONSERVATION OF GRAIN BY BREWING INDUSTRY

#### Correction

In Federal Register Document 48-3082, appearing on page 1905 of the issue for Wednesday, April 7, 1948, the letter of the Secretary set forth below, addressed to all members of the brewing industry, should have appeared.

MARCH 24, 1948.

To all members of the brewing industry.

I am writing to request your individual participation in a voluntary program which will continue the conservation of grain by the brewing industry. Copy of the new agreement is attached.

This agreement is authorized by Section 2 of Public Law 395 (80th Congress) which exempts approved industry programs of this nature from the federal antitrust laws and Federal Trade Commission Act.

You will recall that a public hearing was held on this matter by the United States Department of Agriculture, on January 20, 1948. At that time, the industry was unable to agree on the basis for a voluntary agreement. Since then, however, the Department has consulted with various members of the industry and now believes the agreement tendered herewith constitutes an equitable basis for industry cooperation in the grain conservation program. This proposed agreement was published in the *FEDERAL REGISTER*, February 26, 1948, and was objected to by only one brewer. It has been approved by the Attorney General.

I will appreciate hearing from you individually as to whether you will participate in this new program. You are requested to return the enclosed statement, in the addressed envelope provided, to affirm your willingness to participate in the new program. Please retain the second copy for your files. If you do not reply, it will be regarded as an indication that you do not wish to cooperate.

The agreement includes provision for a committee to review applications for relief in hardship cases. This Committee will be composed of Mr. Edward V. Lahey, President, United States Brewers Foundation; Mr. J. Oliver Doern, President, Small Brewers Committee; and Mr. Frank C. Lohmann, Brewery's Limited, USA, Inc., South Bend, Indiana, representing unaffiliated brewers; and with the Director of the Office for Food and Feed Conservation, Mr. Charles P. Brannan, representing the Department, and acting as chairman.

In view of many conversations and correspondence with your representatives, and other members of the industry, I feel sure that you will desire to continue your cooperation in the nation's grain conservation program.

I would like to take this opportunity to thank the brewing industry for its continuous efforts in this regard since the program was commenced last October.

Sincerely,

CLINTON P. ANDERSON,  
Secretary.

## CIVIL AERONAUTICS BOARD

[Docket No. 3272]

PAN AMERICAN AIRWAYS, INC., AND URABA,  
MEDELLIN AND CENTRAL AIRWAYS, INC.

### NOTICE OF POSTPONEMENT OF HEARING

In the matter of the petition of Pan American Airways, Inc., and Uraba, Medellin and Central Airways, Inc., for approval under section 408 of the Civil Aeronautics Act of 1938, as amended, of the acquisition by Pan American Airways, Inc., of all the property of Uraba, Medellin and Central Airways, Inc., and of the transfer to Pan American Airways, Inc., under section 402 (1) of the act of the certificate of public convenience and necessity of Uraba, Medellin and Central Airways, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 403 and 1001 of said act, that the hearing in the above-entitled proceeding originally set for April 14, 1948, has been postponed, and is now assigned to be held on April 26, 1948, at 10:00 a. m. (eastern standard time) in Room 131, Wing C, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., April 5, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-3116; Filed, Apr. 8, 1948;  
8:46 a. m.]

## INTERSTATE COMMERCE COMMISSION

[S. O. 780, Amdt. 5 to Special Directive 30]

BALTIMORE AND OHIO RAILROAD CO.

DIRECTIVE TO FURNISH CARS FOR RAILROAD  
COAL SUPPLY

Upon further consideration of the provisions of Special Directive No. 30 (12 F. R. 8782) under Service Order No. 790 (12 F. R. 7791), and good cause appearing therefor:

It is ordered, That Special Directive No. 30, be, and it is hereby amended by substituting Appendix A hereof for Appendix A thereof.

A copy of this amendment shall be served upon The Baltimore and Ohio Railroad Company and notice of this amendment shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 2d day of April A. D. 1948.

INTERSTATE COMMERCE  
COMMISSION,  
HOMER C. KING,  
Director  
Bureau of Service.

### APPENDIX A

Mine	Weekly number of cars
Century No. 1, Lawbar, Tuckahoe,	
Volga, Lona No. 1	112
Lawbar	12
Roberta No. 2	12
Rex	3
Shamrock	8
Kano	14
Berryburg No. 1	6
Woodford No. 1	19
Woodford No. 2	41
Woodyard, Crystal Ice Tipple, Webster No. 1	12
Galloway No. 2, Galloway No. 3	198
Polino, Cain 3 and 4 (M. H. Cain C. Co.)	12
Wendel No. 2, Wendel No. 4	22
Hebb	14
Glen Cambria	19
Pepper (Hartley No. 1)	12
Johnson No. 5, Columbia, Clare, Dart, Bailey No. 3, Halfway, Renwick, McWhorter, Eagle No. 2, Vincent No. 4	123
Oral Lake, Farls	14
Bridgeport	35
Elk Hill	4
Willard No. 1, Fairmore	23
Chieftain	12
Carol No. 2	6
Lewis	14
Hilltop No. 1, Hilltop No. 2	30
Sandor, Ridge Nos. 1 and 3, Jenkins	8
Kingmont, Kingmont, Jr.	17
Colfax	5
Jamison No. 9	23
Consol Nos. 25, 32, 38, 63, 97, 50-A, Blaine, Seaboard No. 1, Meadowbrook Nos. 1 and 2, Ehlen No. 2, Winchester No. 4	375

Mine	Weekly number of cars
Scott No. 2	23
Riley	6
Robert	17
Haywood	6
Gypsy	12
Lambert Run	4
Cliff	7
O'Donnell	70
McCandlish	23
Katherine, Pepper, Gregory No. 3, Penn No. 1, Penn No. 2, Piggett, Michael No. 1, Linda No. 1, Milford No. 1, Quinn, Alpha	257
Dawson	58
Laura Lee	10
Corona	23
Linda No. 1	10
Keeley No. 1, Keeley No. 2	140
Tasa No. 7, Tasa No. 9, Goff	76
McCanns Run, Good Hope	10
Byron, Mitchell (Dicks), Cleghorn	25
Hull No. 1	10
Queen	12
Ella	10
Adrian	6
Norton	31
Silvester	9
Williams No. 1	6
Jon Tee	6
Bower	23
Martha	4
Orchard	5
Speldel	12
Bradley (Speldel)	9
Willow Grove No. 10	49
Brookside, Boggs Run, Yanosik, Bradford, Balog, Godaway	18
Alexander, Valley Camp No. 1, No. 3, No. 5	120
Blaine No. 3, Stanley No. 4	88
Barton	47
Roberts (Godway No. 2)	18
Norton No. 2	81
Camel Run	23
Virginia Hill, Junior-Liberty	34
Rice Bros. No. 1, June No. 1	45
Latrobe	18
Iles	9
Bickemeler	2
Orell, Minder, McFarlin	10
F. W. Hoffman C. Co., (Duch Bros.-Belga)	4
Bruns (Henry)	9
Morgan	7
Thorn Hill	6
Giblaw	7
Cenci	8
Sidwell, Barnes Bros.-Bristol, Tracy-Walton-(Giblaw), Pike	79
Eagle (Pa.)	42
Canyon	23
Gilmore	2
Tunnel, Little Run, Cornish	23
Lockview	15
Carter	14
White Bridge No. 1	1
Shaw Big Vein Nos. 1 and 2	6
Fuel No. 3	3
Keystone No. 3	8
Ponfeigh No. 6, Ponfeigh-Pine Hill	12
Arden No. 11-Fleetwood	5
Kimberly	4
Scurfield	15
Consol 119, Consol 120	8
Jerome Nos. 1, 2, and 3	8
Wildwood	7
Tasa No. 8	12
James	6
Schillinger	1
Rossiter	28
Yatesboro No. 5, Helvetia, Ernest, Lucerne, Kent Nos. 1 and 2, Kent Nos. 3 4, Sagamore, Mosgrove, Lumsted, McWilliams No. 4, Summitt Nos. 5 and 6 (Reese-Good), Frances, Klingensmith, Park, Garzone, Two Lick, Neal (Hamilton) Stratiff No. 8, Black Diamond, Beech Tree Nos. 1 and 2	233
Julian No. 1	240
North Breese	12

Mine	Weekly number of cars
Black Fork (Buckeye)	10
Waterloo, Oak Hill, Ohio; Power, Hope, Ohio; Todd, Hope, Ohio; Kinnison, Wellston, Ohio; Kriebel, Wellston, Ohio; Irish Ridge, Wellston, Ohio; Reed, Wellston, Ohio; W&H (McKitterick), Wellston, Ohio; Jisco, Wellston, Ohio; Collins & Walton; Souders & Ramsey (Gilmore); Walton	42

[F. R. Doc. 48-3105; Filed, Apr. 8, 1948;  
8:50 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1948, 3 CFR, Cum. Supp., E. O. 9597, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10897]

### IGNATZ AND THERESE BATOR

In re: Bank account and certificate of deposit owned by and debts owing to Ignatz Bator and Therese Bator, also known as Theresa Bator. F-28-6113-A-1 and F-28-6113-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ignatz Bator and Therese Bator, also known as Theresa Bator, whose last known addresses are Eyth Strasse 77, Koln-Kalk, Rhein, Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That the property described as follows:

a. That certain debt or other obligation owing to Ignatz Bator and Therese Bator, also known as Theresa Bator, by the Chicago City Bank and Trust Company, 815 West 63rd Street, Chicago 21, Illinois, arising out of a Savings Account, account number 77016, entitled Ignatz Bator or (Miss) Theresa Bator, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

b. One (1) Certificate of Deposit representing bonds of the Roseland Community Hospital of the face value of \$1,000.00, bearing the number 72, registered in the names of Ignatz Bator and Therese Bator, as joint tenants, said certificate of deposit issued by the Chicago City Bank and Trust Company, bearing the number 23, presently in the custody of the aforesaid Chicago City Bank and Trust Company, and any and all rights thereunder including the right to a new bond in lieu of the aforesaid bond and any interest due thereunder, and

c. Those certain debts or other obligations evidenced by eight (8) checks drawn by the Chicago City Bank and Trust Company, 815 West 63rd Street, Chicago 21, Illinois, on the Banks set forth in Exhibit A, attached hereto and by reference made a part hereof, said checks payable to, numbered, dated and in the amounts set forth opposite the names of the aforesaid drawee banks,

and presently in the custody of the Chicago City Bank and Trust Company, in safekeeping account No. 180, and any and all rights to demand, enforce and collect the aforesaid debts, and any and all accruals thereto, together with any and all rights in, to, and under, including particularly the right to possession of, the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ignatz Bator and Therese Bator, also known as Theresa Bator, the aforesaid nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 15, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

## EXHIBIT A

Drawee bank	Payable to—	Check No.	Date	Amount
Chicago City Bank & Trust Co.	Ignatz Bator and Theresa Bator, J. t.	25470.....	12-23-42	\$2,897.00
The Mutual National Bank of Chicago.	do.....	Income Check No. 1.....	12-16-40	45.00
Do.....	do.....	do.....	6-10-41	21.00
Do.....	do.....	do.....	12-15-41	30.00
Do.....	do.....	do.....	6-15-42	60.00
Chicago City Bank & Trust Co.	do.....	275019.....	6-29-44	123.25
Do.....	do.....	230891.....	12-6-41	221.80
Do.....	Chicago City Bank & Trust Co., S. K. No. 180.	236352.....	9-11-43	1,670.00

[F. R. Doc. 48-3117; Filed, Apr. 8, 1948; 8:46 a. m.]

[Vesting Order 10924]

HERMANN HERDER

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Hermann Herder, deceased. F-28-19697-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Hermann Herder, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

2. That the property described as follows: One hundred (100) shares of \$100.00 par value common capital stock of B. Herder Book Co., 15-17 South Broadway, St. Louis 2, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by a certificate numbered 24, dated July 1, 1927, registered in the name of Hermann Herder, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Hermann Herder, deceased, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, lega-

tees and distributees of Hermann Herder, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-3118; Filed, Apr. 8, 1948; 8:46 a. m.]

[Vesting Order 10939]

WILLIAM BUMILLER

In re: Estate of William Bumiller, deceased. File D-28-12100; E. T. sec. 16313.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Herthneck and Gertrud Dotterweilch, whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of William Bumiller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Ben H. Brown, as administrator acting under the judicial supervision of the Superior Court of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 48-3119; Filed, Apr. 8, 1948; 8:46 a. m.]

[Vesting Order 10946]

CARL H. KRONENBERGER

In re: Trust under the Will of Carl H. Kronenberger, deceased. File No. D-28-2256; E. T. sec. 2974.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Goebel, Jr., and Karl Goebel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the issue, names unknown, of Hans Goebel, Jr., and of Karl Goebel who there is reasonable cause to believe are residents of Germany, are national of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subpara-



graphs 1 and 2 hereof, and each of them, in and to the Trust under the Will of Carl H. Kronenberger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by the Michigan National Bank, as Trustee, acting under the judicial supervision of the Probate Court, County of Berrien, State of Michigan;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Hans Goebel, Jr., and of Karl Goebel are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 48-3120; Filed, Apr. 8, 1948;  
8:46 a. m.]

[Vesting Order 10947]

SOPHIA LOCHNER

In re: Estate of Sophia Lochner, deceased. File D-28-12133; E. T. sec. 16335.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Andreas Soell (Söll) Christine Murrmann, Fritz Brautigam, Hans Frankenberger, Andreas Frankenberger, Fritz Frankenberger and Kuni Hohne, whose last known address is Germany, are residents of Germany and nationals

of a designated enemy country (Germany)

2. That the children, names unknown of Andreas Soell (Söll), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Sophia Lochner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Oswald W. Soell, as Executor, acting under the judicial supervision of the Probate Court of Cole County, Missouri;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Andreas Soell (Söll) are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director  
Office of Alien Property.

[F. R. Doc. 48-3121; Filed, Apr. 8, 1948;  
8:47 a. m.]

[Vesting Order 10958]

JOSEPH LEBER

In re: Debts owing to Joseph Leber. F-28-27950-C-1 and F-28-27950-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Leber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Joseph Leber by A. D. Juilliard & Co., Inc., 40 West 40th Street, New York 18, New York, in the amount of \$193.99, as of November 15, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Joseph Leber by Brune, Nadler & Cuffe, 74 Worth Street, New York 13, New York, in the amount of \$792.50, as of November 12, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 48-3122; Filed, Apr. 8, 1948;  
8:47 a. m.]